THE PARTITION OF THE PUNJAB

KIRPAL SINGH

PUNJABI UNIVERSITY
PATIALA

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THE
PARTITION OF THE PUNJAB

BY THE SAME AUTHOR

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3. Punjab da Batwara
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THE PARTITION OF THE PUNJAB

KIRPAL SINGH

M.A., Ph.D.

Foreword

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Revised by

SRI RAM SHARMA

PUNJABI UNIVERSITY, PATIALA

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DEDICATED IN THE SILVER JUBILEE YEAR OF THE COUNTRY'S INDEPENDENCE TO THOSE WHO FOUGHT VALIANTY IN THE CAUSE OF THE NATION'S FREEDOM

FOREWORD

"Knowledge of public action in the past", it has been rightly observed, "provides the best means of understanding the present and the safest guide for the exercise of political power. Through proper study of history we can join the wisdom of Solomon to the counsel of Socrates by trying to get understanding and learning to know ourselves."

People often speak of the 'verdict of history', 'philosophy of history', 'science of history', but as G.P. Gooch puts it, "There is no agreed verdict, only individual verdicts ; no agreed philosophy, only welter of conflicting ideologies; no agreed science, only application of scientific methods. We continue our eager and never-ending search for truth." It is in the spirit of search for truth that this book, *The Partition of the Punjab*, is being published by the University. It is very difficult to construct the contemporary history, especially when we are living under the impact of those events. An effort has, however, been made by the author to present, as far as possible, a true account by exploring all the available material in England, India and Pakistan, and by sifting the verbal evidence obtained from the great personages involved in the dramatic events of 1947.

The partition of the Punjab has proved an event of unique importance in the history of the Punjab. No other single event has been of such a magnitude and of such far-reaching consequences. It was the long and harrowing tale of death and destruction, of rape and abduction involving millions of people. Thus the Punjab paid highest price for freedom. It was, therefore, very essential to have a fairly comprehensive, objective and critical account of this significant event.

The Partition of the Punjab was a doctoral thesis of S. Kirpal Singh, an experienced research scholar, who has a number of research publications to his credit. He is working as a Reader in the Department of History, Punjabi University, Patiala. Some of

the Indian historians suggested to me that this be got published by the University. Professor Sri Ram Sharma, my old teacher and Dr Fauja Singh had also gone through this thesis before publication, and some of the modifications and suggestions made by them, have been incorporated in this book. I am sure that the book in its final shape will be a valuable addition to the current historical literature. I also hope that it will benefit the scholars in the field of historical research as well as the public, in general.

Punjabi University,
Patiala.
December 16, 1971.

KIRPAL SINGH NARANG
Vice-Chancellor

PREFACE

In the Subcontinent of India the Punjab occupied a position of unique importance. It was on the highway between the nomad-breeding grounds of Central Asia and the rich and fertile valley of the Ganges. It had, therefore, been the arena of religious, racial and political conflicts like Palestine in the Middle East and Belgium in Europe. Its climate bred a hardy and martial people. At the time of the transfer of power to Indian hands, it was the only province ruled by its Governor under Section 93 of the Government of India Act of 1935. Again, only in the Punjab was the transfer of power followed by bloodshed and mass migration.

The scope of the present work is limited to analysing the factors leading to the partition of the Punjab, study the partition machinery and discuss the causes of subsequent mass migration and its consequences, in general.

So far there have been three types of publications which have dealt with some limited aspects of this subject. Most of them deal with the Punjab communal riots in 1947 because of the international importance they acquired when the Pakistan Government raised the question of 'genocide' in the Security Council. Books published in Pakistan and India, like *East Punjab's Blood Bath* by Zia-ul-Islam (Pakistan), *Muslim League's Attack on the Sikhs and the Hindus* by Shiromani Gurdwara Parbandhak Committee Amritsar, *Inside Pakistan* by K.L. Gauba (Bombay) and *Stern Reckoning* by G.D. Khosla (New Delhi) deal with the Punjab communal riots in detail. The Pakistan Government publications, like *Sikh Plan*, *Sikh Plan in Action*, illustrate the Pakistan Government's version of the origins of communal riots in the Punjab. Similarly, booklets issued by the Public Relations Department of the East Punjab Government give an account of the resettlement of the refugees. A number of booklets and pamphlets written by evacuees after their migration, like *Ah ! Amritsar* (Urdu), Lahore, *Mehsharistan-i-Kapurthala* (Urdu), Pakpattan ; Ah ! Jullundur, (Urdu), Lahore, (West Punjab) ; *Saka Bhuller* (Punjabi), Amritsar ; *Roday de Shahid* (Punjabi), Ambala;

Makhdumpur Ke Khuni Halat (Urdu), Rohtak ; claim to be based on the personal experiences of the writers affected by adverse circumstances. The present work is the first of its kind which deals dispassionately with all aspects of the partition of the Punjab, viz. political, constitutional, administrative, economic, social, etc.

Every effort has been made to ascertain the facts and verify the statements of various persons. It will be understandable that a completely objective presentation of the controversial issues will be possible only when all relevant records are open for consultation. I had access to the relevant files in the East Punjab Government Secretariat and the Record Office and also to the voluminous record of Partition Proceedings in the Central Secretariat, Government of India. The six chapters of this work, viz. from Chapter IV to Chapter IX are based mostly on the records of the Partition Branch, (Punjab Government) the East Punjab Liaison Agency, the Punjab Partition Committee, the Awards of the Arbitral Tribunal and the Partition Proceedings of Government of India. Almost all the records in India except those in the National Archives, New Delhi, have been consulted. I could not get access to the records of the West Punjab Government, although I visited Pakistan twice. During my six months research tour of England in 1964 I worked in the India Office Library and British Museum. Unfortunately, the records of this period were not open for consultation at either place, as these were subject to the 50 years' rule.

In addition to utilizing such recently published memoirs as *Mission with Mountbatten*, *Memoirs of Lord Ismay*, *India Wins Freedom* by Maulana Azad and various journals, both Indian and foreign, I had the privilege of discussing various aspects of the problems treated in these pages with the following :

Lord Attlee, the British Prime Minister in 1947

Lord Ismay, Chief of Viceroy's Staff in 1947

Mr Alan Campbell Johnson, Press Attache to Lord Mountbatten in 1947 and author of *Mission with Mountbatten*

Sir Cyril Radcliffe (Later Lord Radcliffe), Chairman of the Punjab Boundary Commission in 1947

Sir Patrick Spens, Chairman of the Arbitral Tribunal, 1947

Major J. M. Short, who was on the staff of Lord Mountbatten and had been specially appointed to keep contact with the Sikhs

Sir Evan Jenkins, Governor of the united Punjab in 1947
Sir Francis Mudie, Governor, West Punjab in 1947
Dr Morris Jones, Constitutional Adviser to the Viceroy in 1947
Sir Khizar Hyat Khan, Prime Minister of the Punjab in 1947
Sir Mohammad Zafarullah Khan, who appeared before the Punjab Boundary Commission on behalf of the Muslim League in 1947
Sardar Baldev Singh, Defence Member of the Interim Government, 1947
Justice Mehar Chand Mahajan, Member Punjab Boundary Commission
Justice Teja Singh, Member Punjab Boundary Commission
Sardar Harnam Singh, who appeared before the Punjab-Boundary Commission on behalf of the Sikhs
Sardar Swaran Singh, Leader of the Panthic Party and Home Minister, East Punjab, 1947
Dr Gopi Chand Bhargava, Chief Minister, East Punjab, 1947
S. Sardar Hardit Singh Malik, Prime Minister of Patiala State in 1947
Sardar Sant Parkash Singh, Inspector-General of Police, East Punjab, 1947
Master Tara Singh, the veteran Akali leader
Giani Kartar Singh, President Shiromani Akali Dal in 1947

I am grateful to all of them, particularly to the British dignitaries who, keeping in view my short stay in England gave me appointments and answered my queries at short notice.

For substantial help of one kind or another I am thankful to S. Ujjal Singh, ex-Finance Minister, Punjab (India) : Mr P.N. Kirpal, ex-Secretary Ministery of Education, Government of India, Mr V.S. Suri, ex-Keeper of Records, Punjab Government, late Raja Ghanzafar Ali Khan, High Commissioner for Pakistan in India, Mr Kewal Singh, ex-Deputy High Commissioner for India in the United Kingdom. I am indebted to the Punjab Government, especially to late S. Partap Singh Kairon, the Chief Minister of the Punjab for sactioning my six months' research tour to England and to the authorities of Khalsa College Amritsar for providing me with facilities for accomplishing this work. My thanks are due to my supervisor Dr Anup Chand Kapur, to Professor Dr K.A. Ballhatchet, S.O A.S., London and Dr I.D. Sharma of the

Punjab University, Chandigarh, who went through the major portion of this manusceipt and gave me useful suggestions.

I am grateful to S. Kirpal Singh Narang, Vice-Chancellor, Punjabi University, Patiala without whose personal interest the publication of this book would not have materialized. He very kindly agreed to write the foreword also.

My thanks are also due to Professor Sri Ram Sharma, who has revised this book with great care and erudition; Professor Dr Fauja Singh, Head of the Department of History, Punjabi University, who discussed with me a number of important points; and to Dr Kishan Singh Bedi, Retired Joint Director of Agriculture (Research and Education), Chandigarh for going through the manuscript of this book from the language point of view and suggesting some improvements, to S. Rawel Singh, (London) Shri Madan Malhotra (Bombay) for providing some of the photographs, incorporated in this book to Miss Harinder for helping me to prepare the Index and last but not the least to S. Hazara Singh, Production Officer, Punjabi University for taking pains to print this book.

KIRPAL SINGH
Patiala
December 17, 1971.

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ABBREVIATIONS

A.A.T.	Awards of Arbitral Tribunal on cases referred to it by the Punjab Partition Committee
A.P.P.C.	Agenda for meetings of the Punjab Partition Committee
C. & M.	The Daily Civil and Military Gazette, Lahore
D.L.O.	District Liaison Officer
D.P.P.C.	Decisions of the Punjab Partition Committee
HANSAD	Parliament Debates, House of Commons, London
H.I.N.C.	History of Indian National Congress by Pattabhai Sitaramiya
L.A.R.	Liaison Agency Records, East Punjab Government
M.E.O.	Military Evacuee Organization
P.B.R.	Partition Branch Records, Punjab Government, Chandigarh
P.P.	Partition Proceedings, Government of India
S.D.I.C.	Speeches and Documents on Indian Constitution by Sir Maurice Gwyer and A. Appadorai
S.H.R.	Sikh History Research Department, Khalsa College, Amritsar

CHAPTER I

INTRODUCTION

The tract of the territory, now comprising Haryana, the Punjab (India) and the Punjab (Pakistan), has been known by different names down the centuries. In the *Rig Veda*, it was called "Sapta Sindhu"[1] or "Sapta Sindhwah", the (land of) seven rivers.[2] The "Hupta Hindu" of the *Zand Avesta* where it is described as the earliest creation of Ahura Mazda—and of the Rock Inscription on the tomb of Darius I, seems to be a variation of the Sanskrit name. The exact Sanskrit equivalent of the modern Punjab is "Panchnada" which has been mentioned in the *Mahabharta* and the *Agni Purana*.

Hiuen Tsang, the Chinese traveller (A.D. 629-644) gave an entirely new name to this tract and called it "Takia"[3] which, according to Sir Alexander Cunningham, embraced the entire plains of the Punjab from the Indus to the Beas and from the foot of the mountains to the junction of the five rivers below Multan.[4].

The word 'Punjab' (Land of Five Rivers) was first used during the Muslim rule. It is very significant to note that the *Ayeen Akbery* does not mention the word 'Punjab'. Abul Fazal describes the Lahore Province and the Multan Province in the following way :

Lahore Province : "The length from the river Sutlej to the Indus is 180 *cose* and the breadth from Bhambber to Chowkundy measures 86 *cose*. On the east lies Sirhind, on the north Cashmeer, on the south Beykaneer and Ajmeer and Multan bounds it on the west. This Soobah has six rivers issuing from the northern mountains".

Multan Province : "On its east lies Sircar Sirhind, the Pergunnah of Shoor joins it on the north, on the south it is bounded by the Soobah of Ajmeer and on the

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1. Book (Mandal) VIII, Hymn (Sukat) XXIV and Verse (Manter) XXVII The Hymn of *Rig Veda*, T.H. Griffith, Vol II, Benarse, 926, p 159
2. Z.A. Ragozin, *Vedic India*, London, 1895, p. 107
3. Thomas Walters, *On Yuan Ghawang's Travels in India*, Delhi, 1961, page 291
4. Alexander Cunningham, *Ancient Geography of India*, Calcutta (1924) pp 170, 177 and 251

> west are situated Kutch and Mekran both of which are independent territories. The six rivers which have been described in Lahore pass also through this Soobah."[5]

The author of the *Ayeen Akbery* states that the Province of Lahore was watered by six rivers. Sujan Rai Bhandari, the author of *Khulasat-ut-Twarikh*, compiled in 1697 A.D. has used the term 'Punjab' for the Mughal Province of Lahore.[6] He was followed by Ghulam Mohyuddin, Bute Shah, the author of *Twarikh-i-Punjab* who compiled his work in the first half of the nineteenth century.[7]

During the eighteenth century, the Provinces of Lahore and Multan were divided into a number of small principalities, following the decline of the Mughal Empire and the death of Ahmed Shah Abdali, the Afghan Emperor, who had annexed these provinces to Afghanistan.[8] Lahore, the capital, was held by three Sikh chieftains viz. Lehna Singh, Gujar Singh and Soba Singh. Maharaja Ranjit Singh unified the warring petty States to establish a Sikh Kingdom. Some of the British contemporaries of Maharaja Ranjit Singh used the term Punjab as synonymous with the Sikh kingdom.

Formation of the British Punjab in 1849

According to the Administrative Report 1849-51, the British Punjab was formed with the following :

(i) The Punjab Proper and the Trans-Sutlej Territories :—At the time of annexation in 1849 the kingdom of Maharaja Ranjit Singh was described as Punjab Proper and the territory which was annexed just after the First Anglo-Sikh War in 1846 was known as the trans-Sutlej Territory viz. areas of Jullundur, Hoshiarpur etc.

(ii) The Cis-Sutlej Territories :—The territory between the Sutlej and the Jumna had never been included in the Punjab. The Sutlej had been a traditional barrier between the Mughal provinces of Delhi and Lahore.

According to the Administrative Report of 1868-69, the Punjab under the British was "bounded on the north and north-east by the Himalyas, on the east by the River Jumuna; on the south

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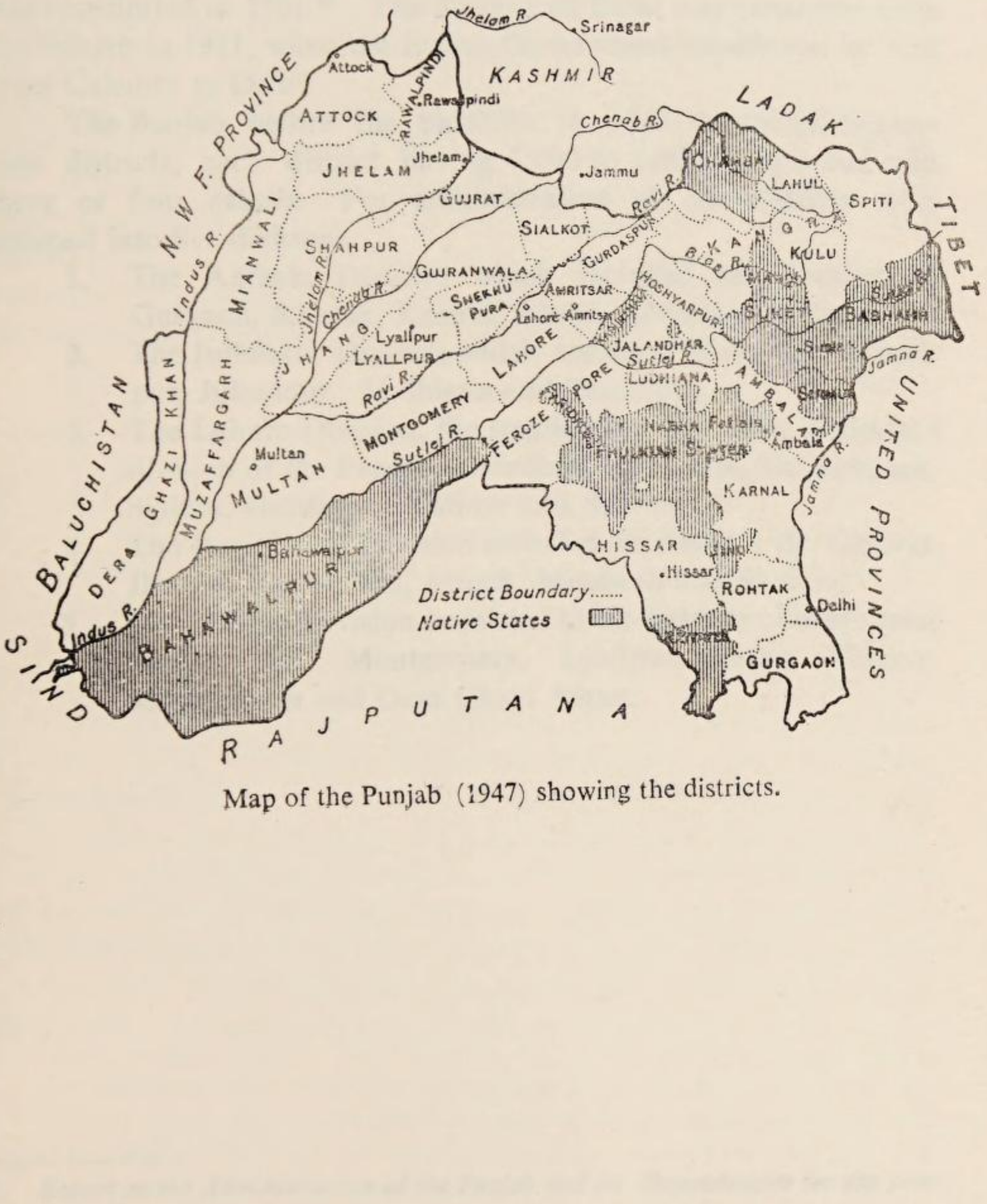
5. *Ayeen Akbery*, Translated by Francis Gladwin, London (1783), p. 394
6. *Khulasat-ut-Twarikh* (Persian), edited by M. Zafar Hasan Delhi, p. 67, also Sir J.N. Sarkar, *India of Aurangzeb*, p. 80
7. Bute Shah, *Twarikh-i-Punjab*, Persian MS Khalsa College, Amritsar, S.H.R. No. 1288, p. 4
8. Kirpal Singh, *Maharaja Ala Singh of Patiala and His Times*, Khalsa College, Amritsar, p. 124



Map of the Punjab (1947) showing the districts.

by the District of Mathura in the North Western Province, the States of Rajputana and the River Sutlej : and on the west by the Suleiman Hills and Afghanistan".[9]

By 1900, it was obvious that the Punjab Government was not a fit instrument for dealing with the problems of the north-western frontier. Consequently, five frontier districts of the Punjab viz. Peshawar, Hazara, Kohat, Bannu and Dera Ismail Khan, were separated from the Punjab and the North-West Frontier Province was constituted in 1901.[10] The District of Delhi was separated from the Punjab in 1911, when the Indian Government transferred its seat from Calcutta to Delhi.

The Punjab before the partition in 1947 comprised twenty-nine districts, each district having 1,000 to 2,000 villages and with three or four *tahsils*. For administration all the districts were grouped into five divisions.

1. The Ambala Division which included the districts of Gurgaon, Rohtak, Karnal, Hissar, Ambala and Simla.
2. The Jullundur Division which included Kangra, Hoshiarpur, Jullundur, Ludhiana and Ferozepur.
3. The Lahore Division, the smallest but the most important division of the Punjab, included Gujranwala, Sheikhupura, Sialkot, Gurdaspur, Lahore and Amritsar.
4. The Rawalpindi Division included six districts viz. Gujarat, Jhelum, Rawalpindi, Attock, Mianwali and Shahpur.
5. The Multan Division consisted of six districts of south west Punjab, viz. Montgomery, Lyallpur, Jhang, Multan, Muzafargarh and Dera Ghazi Khan.

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9. *Report on the Administration of the Punjab and its Dependencies for the year* 1868-69, p. 2
10. Ronaldshay, *Life of Lord Curzon*, Vol. II, London, 1928, pp. 136-137

CHAPTER II

GENESIS OF THE PARTITION

The right of communal representation granted to the Muslims in 1909 accentuated communal consciousness. The Muslims who constituted about 55 per cent of the population of the Punjab, according to the Census Report of 1921, had apparently a very narrow majority over the Sikhs and the Hindus. That made the communal problem acute between the Muslims and the non-Muslims. Sir Malcolm Darling wrote, "Nowhere is communal feeling potentially so dangerous and so complicated as in the Punjab"[1] The Nehru Report rightly recognized the magnitude of the communal problem in the Panjab when it recorded in 1928. "..... a very potent factor to be taken into account is the presence of the strong Hindu minority side by side with the Muslim majority and Sikh minority[2]."

Separate Representation for Muslims

In the Punjab, the Muslims were in a majority. It was the only province where the majority community had been granted the right of separate representation[3]. The main considerations justifying this special and extraordinary treatment of the majority community in the Punjab were said to be their narrow majority and their economic backwardness. The Hindus and the Sikhs dominated the fields of industry, commerce, trade and banking. In the provincial capital of Lahore, the non-Muslims owned 108 registered factories out of 186. They paid eight times as much sales tax as the Muslim traders and owned more than 75 per cent of commerce and trade. Banks, commercial institutions, insurance companies and industrial concerns were mostly in their hands. The urban property tax, income tax and other taxes paid by the non-Muslims were far in excess of those paid by the Muslims[4]. Even in the Muslim majority districts trade and industry were in the hands of the Hindus and the Sikhs who lived in the

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1. Sir Malcolm Darling, *At Freedom's Door*, London, 1949, p. XII
2. *Moti Lal Nehru Report*, All Parties Conference, Allahabad 1928, p. 57
3. *Report of the Franchise Committee, Indian Constitutional Reforms*, Calcutta, p. 371
4. *P.P. Vol. VI*, p. 186

towns and cities. In the western Punjab districts of Rawalpindi, Jhelum, Sialkot, Gujarat, Gujranwala, Shahpur, Lyallpur, Mianwali, Multan, Muzaffargarh, Montgomery and Jhang more than 5% of the population was engaged in trade[5]. In the rest of the province where the Hindus and the Sikhs were more numerous than the Muslims, the trade enterprise of the Hindus was of less value. The non-Muslims owned more than half of the total number of industrial establishments in the whole of the Punjab. In the central districts, the Sikhs were the biggest land-owners. In the Lahore Division, thc Sikhs were said to be paying as much as 46 per cent of the total land revenue[6]. The Jat Sikhs from the central districts of the Punjab were mainly responsible for developing the colony areas of Lyallpur and Montgomery.

Next to agriculture, moneylending was the most important commercial activity in the province. Moneylending was mainly in the hands of the Hindus and the Sikhs. The Muslim peasants of the western Punjab were, as a body, heavily indebted to the Hindu and the Sikh moneylenders of the Multan and Rawalpindi Divisions.[7]

This economic domination of the non-Muslims over the Muslims in some parts of the province lent colour to the Muslim contention that they were in danger of economic exploitation by the Hindus and the Sikhs.

Muslims Domination Opposed

The Sikh and the Hindus opposed the representation and reservation of seats which had been confirmed by the Communal Award to the Muslim. It gave them a statutory majority of 51 per cent in the legislature. The Hindus who were about 30 per cent argued that there should not be any reservation of seats for the majority community. The Sikhs were about 13 per cent and claimed that they must have substantial weightage, as enjoyed by the Muslims in the provinces, where they were in a minority. The Muslim representation, the Hindus and thc Sikhs demanded, must be less than 50 per cent so that no one community should be able to rule over the other.

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5. *Census of India 1921 Vol. XV*, Part I, page 358, The detailed figures of this type are not available in the later Census Reports of 1931 and 1941. But there is every reason to believe that there was not much change in this respect after 1921.
6. *Sikh Memorandum to the Punjab Boundary Commission*, p. 27
7. *The Punjab Administrative Report 1922-23*, p. 3 ;Hugh Kennedy Tıavaskis, *Punjab To-day Vol. I*, p. 30

Proposals for Partition of the Punjab

In the extreme western most district of Attock the Muslims formed 91 per cent of the population and were 88 per cent in the districts of Jhelum and Dehra Ghazi Khan. In the remaining districts, from the west to the east, their population decreased. In the eentral districts of the Punjab, their relative strength varied from 80 to 40 per cent. They formed only 1 per cent of the population of Kangra and the Hill States. The Hindus were predominant in the hilly territories where they were about 94 percent of the population. They formed a fairly large majority in the southern districts. In the Rohtak District, the Hindus were 82 per cent. In the central districts of the Punjab and in the princely States, their population varied from 10 to 49 per cent. The Sikhs were mostly concentrated in the central Punjab. The four main centres of the Sikh popu!ation were Ludhiana and Amritsar in British India, and Faridkot and Patiala in the Punjab States. The highest percentage of the Sikhs population—44·5 per cent.—was in the Faridkot State[8].

In order to solve the communal tangle in the Punjab, Sir Geoffrey Corbett who had served in the Punjab as Financial Commissioner and was Secretary of the Indian Delegation to the Round Table Conference, London, suggested the separation of the Ambala Division from the Punjab. He argued, "Historically, Ambala Division is a part of Hindustan and its inclusion in the province of the Punjab was an incident of British rule. Its language is Hindustani, not Punjabi, and its people are skin to the people of adjoining Meerath and Agra Divisions.'"[9] The proposed exclusion of the Ambala Division meant the exclusion of 3,099,000 Hindus, 240,296 Sikhs and 1,418,136 Muslims[10] which would have raised the Muslim majority to about 63 per cent. This would have hardly solved the communal problem in the Punjab. The Muslims would not have agreed to a weighted representation to Hindus and Sikhs.

In order to counteract Sir Geoffrey's scheme, the Sikh delegates to the Round Table Conference suggested a territorial rearrangement which would take from the Punjab the Rawalpindi and Multan divisions. (excluding Montgomery and Lyallpur districts)[11].

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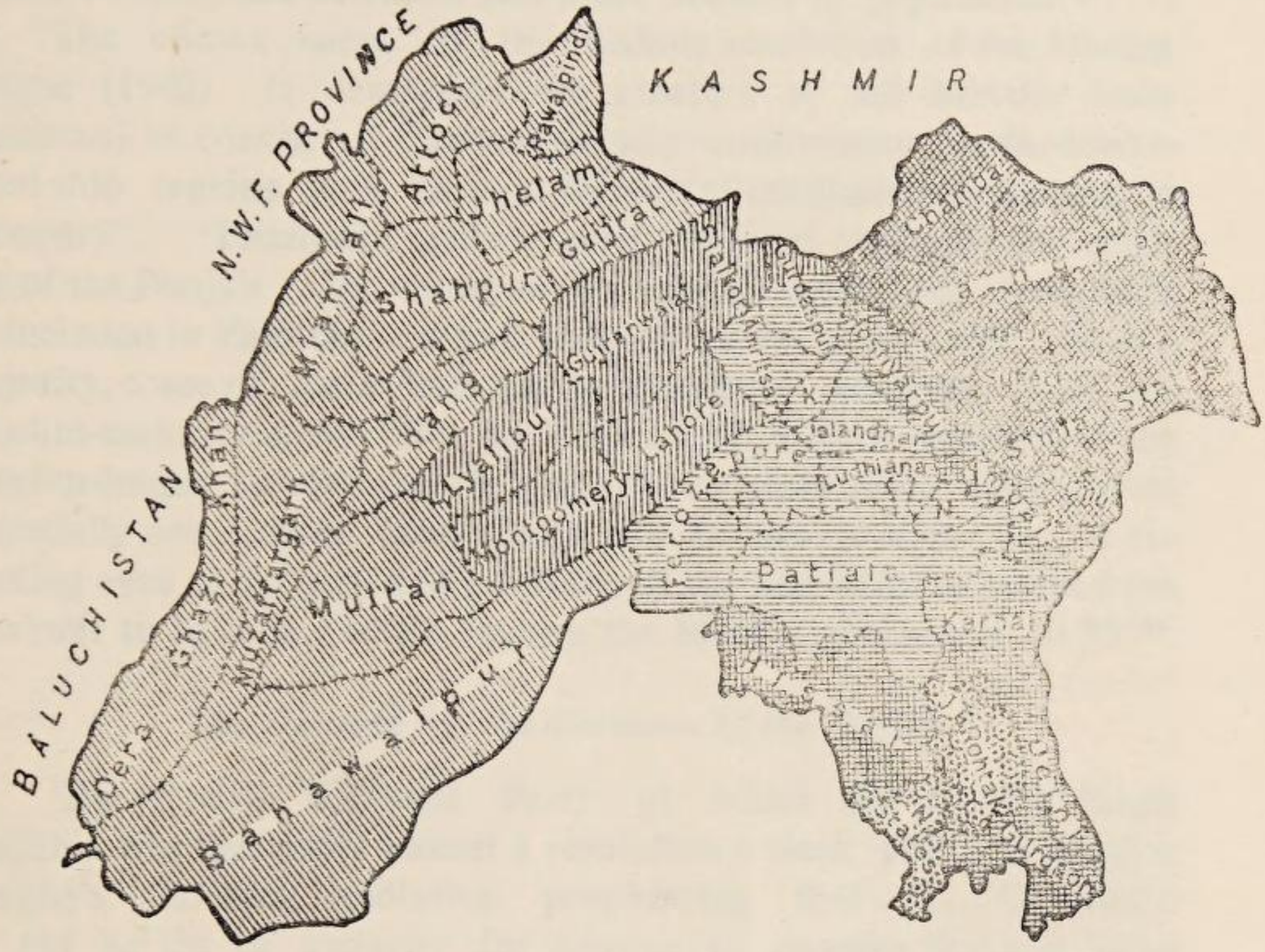
8. *Census of India 1921, Vol. XV.*, Part I, p. 258
9. Sir Geoffrey Corbett, "The Communal Problem in the Punjab," *Indian Round Table Conference*, Vol. III, Appendix No. VI p. 1431
10. *Census of India 1941 Vol. VI Punjab*, pp. 43-44
11. Memorandum of S. Ujjal Singh and S. Sampuran Singh, *Indian Round Table Conference*, Government of India Publication 1932, Vol. III, p. 1400.



Map showing the distribution of religious communities.

The exclusion of the Rawalpindi and Multan divisions would have raised the Hindus and Sikhs to a majority in the remaining portion of the Punjab. Sir Mohammad Iqbal stated in his address at the Muslim Conference in 1929 that "The exclusion of Ambala Division and perhaps some districts where non-Muslims predominate will make it (the Punjab) less extensive and more Muslim in population"[12].

The climax came in the Lahore resolution of the Muslim League (1940). It demanded the creation of the Muslim State (Pakistan) to consist of "geographically continguous units, demarcated into regions with such a territorial readjustment as may be necessary". "Territorial readjustment" involved obviously the splitting of the Punjab. The whole of the Punjab could not apparently be included in Pakistan ; it had areas where Muslims were not in a majority, some of them had no geographical contiguity with the Muslim-majority areas. "But the Punjab and Aligarh members of the Muslim-league Committee through their imperialistic designs over essentially non-Muslim areas would like to have a larger Punjab extending even to Aligarh and covering all the non-Muslim States from Kashmir to Jaisalmir which reduces the Muslim percentage to 55"[13].

The Demand for the Partition of the Punjab

The Khalsa National Party of which Sir Sundar Singh Majithia was the leader passed a resolution a week after the Muslim League's Pakistan resolution prophesying that....."It would be the height of audacity for anyone to imagine that the Sikhs would tolerate for a single day the undiluted communal Raj of any community in the Punjab which is not only their homeland but also their holy land."[14]

The Draft Declaration issued by Sir Stafford Cripps in 1942 gave an impetus to the demand for the partition of India with such provinces opting not to remain in India, should they so desire, "His majesty's Government would be prepared to agree upon a new eonstitution giving the same full status as the Indian Union".[15] The Draft Declaration envisaged one or more dominions in India.[16] "This clearly envisaged Pakistan and afforded us a clear chance to

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12. *Speeches and Statements of Iqbal,* compiled by Shamloo, Lahore, 1944, p. 13
13. Dr Syed Abdul Latif's letter dated 8th March, 1941. *Pakistan Issue*, p. 98
14. *Indian Annual Register 1940*, p. 357
15. *S.D.I.C. Vol. II*, p. 520
16. Brecher, *Nehru A Political Biography*, p. 278.

get full Pakistan of our conception without danger of a claim for partition of the Provinces of Punjab and Bengal,"[17] subsequently wrote Choudhary Khaliquzzaman. Sir Stafford Cripps wrote to Mr Jinnah that any province which should secure 60 per cent votes in the Assembly for accession to India would have the right to do so. In case of its failure to secure the required percentage a party could claim a plebiscite of the whole population of the province.[18] It meant that the Sikhs and Hindus of the Punjab could never secure 60 per cent of votes for accession of the Punjab to the Indian Union as the population of non-Muslims in the Punjab was about 44 per cent. The Draft Declaration greatly alarmed the Hindus and the Sikhs in the Punjab because it meant that Punjab being a Muslim majority province, could secede from the Centre and enter the other dominion which would acquire "the same status as the Indian Union." In that case the Sikhs and the Hindus were to be under perpetual Muslim domination. In a memorandum to Sir Stafford Cripps the Sikhs, therefore, lodged a vigorous protest by stating that "their position in the Punjab has been finally liquidated."[19] They demanded, "why should not the population of any area opposed to separation (from the Centre) be given the right to record its verdict and to form an (other) autonomous unit."[20] It was argued in the memorandum, that "the Sikhs cannot attain their rightful position nor effectively protect their interests unless the Punjab is redistributed into two provinces with the River Ravi as forming the boundary between them." It was asserted that "By delimiting the present provincial boundaries of the Punjab, a new province comprising Ambala and Jullundur Divisions with three districts of Amritsar, Gurdaspur and Lahore be constituted.".[21] Again Master Tara Singh, the Akali leader, stressed the idea of the partition of the Punjab in his letter to Sir Stafford Cripps dated Ist May, 1942. He said, "I thought I had convinced you at Delhi that you could give the Sikhs substantial protection by dividing the present Punjab into two parts and giving the right of non-accession to each part. The Sikhs and the Hindus do not want to go out of India. Why should the non-Muslim majority of the central and eastern Punjab be forced to go out of

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17. Choudhary Khaliquzzaman, *Pathways of Pakistan*, p. 277
18 Ibid, p. 277
19. *Memorandum* handed over to Sir Stafford Cripps by the Shiromani Akali Dal on March 31, 1942 vide Appendix Chapter II
20. Ibid
21. Ibid

India against their wishes .... If you can creat provinces separate from India for the domination of the Muslims, how can you refuse to separate a big area for the protection of the Sikhs from the rule of a single communitry."[22] In his press statement published on December 2, 1942, Master Tara Singh advocated the partition of the Punjab into two provinces one dominated by the Hindus and the Sikhs and the other by the Muslims. He qouted the example of Orissa, Bihar and Sindh which had been made separate units without in any way destroying the integrity of the country.[23]

Along with the Muslim demand for a sovereign Muslim State, the Shiromani Akali Dal put forth the demand of a Sikh State. It was based on the argument that "the Panth[24] demands the splitting up of the existing province of the Punjab with its unnatural boundaries so as to constitute a separate autonomous Sikh State in these areas of the central, north-eastern and south-eastern Punjab in which the overwhelming part of the Sikh population is concentrated and which, because of the proprietors in it being mostly Sikhs and its general character being distincly Sikh, is the *de facto* Sikh Homeland." The proposed Sikh State was to consist of the territories of "Central Punjab with Divisons of Lahore, Jullundur, parts of Ambala and Multan Divisions with the area comprising Sikh States and Maler Kotla, with certain hills in the North and North-East".[25]

According to C. Rajagopalachari's formula, to which Gandhiji agreed subsequently, the Congress was presented as having agreed to the principle that the Muslim-majority areas were to be given the right of self-determination and they were not to be compelled to join the Centre.[26] This new development, according to Master Tara Singh vitally affected the Sikhs. There was no clarification by the Congress about the position of the Sikhs. In order to make their position clear the Shiromani Akali Dal put forward the Azad Punjab Scheme.[27] According to this scheme, a new Punjab was to be carved out after separating the overwhelming Muslim-majority areas. It

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22. Copy of the Letter of Master Tara Singh. *S.H.R.* No. 1815.
23. *The Tribune*, dated Dec. 2, 1942.
24. Literally, Panth means path, but the term is applied to the Sikhs collectively.
25. Justice Harnam Singh—The Idea of Sikh State, pp. 27 & 46.
26. *S.D.I.C.* Vol. II, p. 549,
    It is necessary to remember that the Congress did not accept it earlier. Rajaji had to leave the Congress in 1942.
27. "Congress te Sikh". (Punjabi) by Master Tara Singh (1945), pp. 3-4.

was argued that it was to be an ideal province with about an equal proportion of Hindus, Muslim and Sikhs. In the event of the partition of the country, it was to remain in the Indian Union.[28] Master Tara Singh had explained the basis of this province in his letter to Sir Stafford Cripps. He said, "The Sikhs certainly cannot dominate in any decently large portion of the country and hence they do not demand domination. But a big province, much bigger than many of the existing provinces in area, population and wealth can certainly be carved out in which the Sikhs are dominated by no single community."[29]

Mr. Jinnah's Rejection of Partition Proposal

Mahatma Gandhi accepted the principle of division of the Punjab in a united India when he wrote to Mr Jinnah, President of the Muslim League, saying "I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members, of whom the Muslims living in the North-West zones, *i.e.* Baluchistan, Sindh, North-West Frontier Province and that part of the Punjab where they are in an absolute majority over all other elements and in parts of Bengal and Assam where they are in an absolute majority, desire to live in separation from the rest of India.....The areas should be demarcated by a Commission approved by the Congress and the League. The wishes of the inhabitants of the areas demarcated should be ascertained through votes of adult population of the areas or through some equivalent method. If the vote is in favour of separation, it shall be agreed that these areas shall form a separate State as soon as posible after India is free from foreign domination."[30] Mr. Jinnah did not agree with Gandhiji because he demanded the entire Punjab for Pakistan. In a reply he argued that he did not want separation on the basis of plebiscite in which all inhabitants could participate, but he wanted the issue to be decided on the basis of "self-determination confined to the Muslims alone." He wrote to Gandhiji, "We claim the right of self-determination as a nation .... You are labouring under the wrong idea that "self-determination" means only of a "territorial unit".....Ours is a case of division and carving out two independent sovereign states by way

28. *Swagati Address, Azad Punjab Conference, Amritsar,* (Punjabi) 28th February, 1944
29. The letter of Master Tara Singh dated May 1st, 1942, *S.H.R.* 1815
30. Gandhiji's letter dated 24th September, 1944, *To the Protagonist of Pakistan,* page 132-33

of settlement between two major nations, Hindus and Muslims, and not of severance or secession from any existing union."[31] Again, on September 5, 1944, Mr Jinnah wrote to Gandhiji "If his term were accepted and given effect to, the present boundaries of these provinces would be maimed and mutilated beyond redemption and leave us only with husk".[32] After the failure of the talks with Ganhiji, Mr Jinnah said to the representative of the *News Chronicle*, London, that "There is only one practical realistic way of resolving the Muslim-Hindu differences. This is to divide India into two sovereign parts—Pakistan and Hindustan—by recognising whole of the North-West Frontier Province, Baluchistan, Sindh, Punjab, Bengal and Assam as sovereign Muslim territories as they now stand[33]."

"The Conspicuous Part" by Dr. Mohammad Iqbal

Mr Jinnah later claimed that Dr Mohammad Iqbal "played a conspicuous part, though it was not revealed at that time,"[34] in consolidating the Muslim-League influence in the Punjab. Dr Iqbal had been persuading the Muslim members of the Unionist Party to join the Muslim League since 1936. He wrote to Mr Jinnah in 1936 that the Muslim members of the Unionist Party were prepared to make the following declaration :—"That in all matters specific to the Muslim community an all-India minority they will be bound by the decision of the League."[35] When Sir Sikander joined the Muslim League, Dr Iqbal wrote to Mr Jinnah "A strong contingent from the Punjab is expected to attend the Lucknow session of the League. The Unionist Muslims are also making preparations to attend under the leadership of Sir Sikandar Hyat Khan."[36]

Sir Sikandar's joining Muslim League particularly at a time when he had a solid majority of 119 members (95 Unionist including 74 Muslims,13 Khalsa National Board and 11 National Progressive Party) in a House of 175 proved the beginning of the end of the

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31. Mr Jinnah's letter dated 21st Sept. 1944
    Mahatma Gandhi, Last Phase, Vol. I, p. 95
32. Mr Jinnah's letter dated 25th September 1944
    S.D.I.C., Vol. II, p. 551
33. Hector Balitho. *Creator of Pakistan*, p. 16
34. *Our Struggle* 1857-1947, Pakistan Govt. publication, Appendix II
35. Ibid., The letter dated June 25, 1936. It is doubtful whether this would have strengthened the Muslim League in the Punjab. Dr. Iqbal might have been too optimistic.
36. Ibid., the letter dated October 7, 1937

Unionist Party of which he was the leader. Soon, attempts were made to make the Muslim members of his party subject to the discipline of the Muslim League. Sir Sikandar's joining the Muslim League greatly enhanced the power and prestige of that party.

Alliance, it has been significantly remarked, is always a case of a rider and a horse. Sir Sikandar had fundamental differences with Mr Jinnah on the future Constitution of India. Under Coupland's inspiration, Sir Sikandar had framed a scheme for an Indian Federation. According to his scheme, India was to be divided into seven zones and each zone was to have its Regional Assembly.[37] The Central Government was accordingly to have limited powers. This would have heptarchy in India. In the meeting of the Working Committee of the Muslim League on February 4, 1940, Sir Sikandar pleaded for two hours for the acceptance of his scheme. No wonder, Mr Jinnah rejected it on the ground that the Muslim League should confine its demands to the Muslim zones only and not to the whole of India[38]. Sir Sikandar's scheme would have created a very weak Centre with almost no power of control over the regions. Mr Jinnah carried through the Pakistan resolution.

But even though Sir Sikandar was always apprehensive that unless he walked warily and kept on the right side of Mr Jinnah he would be swept away by a wave of fanaticism, he never reconciled himself to the Muslim League objective of Pakistan. He stated in the Panjab Legislative Assembly on March 11, 1941 : "We do not ask for that freedom where there may be Muslim Raj here and Hindu Raj elsewhere. If that is what Pakistan means, I will have nothing to do with it."[39] Sir Sikandar, perhaps, did not want to risk his political career by quitting the Muslim League as it appeared to him very difficult to wean his followers from the League camp where he himself had taken them. He, however, resigned from the Muslim League Working Committee in 1942[40], sometime before his death.

Muslim League Influence Consolidated

After the death of Sir Sikandar in 1942, Mr Jinnah demanded that the Ministry in the Punjab should be named the Muslim League Coalition Ministry. Sir Khizar Hyat Khan, who had succeeded

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37. S.D.I.C., Vol. II, pages 455-56.
38. Khaliquzzaman, *Pathways of Pakistan*, p. 234.
39. *Punjab Legislative Assembly Debates*, dated March 11, 1941.
40. Khaliquzzaman, *Pathways of Pakistan*, p. 280.

Sir Sikandar, did not agree to the demand. Mr Jinnah was, however, very keen to install a Muslim League Ministry in the Punjab, he came to Lahore on March 20, 1944 and asked Sir Khizar to persuade his non-Muslim colleagues to join the Muslim League Coalition[42]. This they refused to do. Mr. Jinnah was of the opinion "that minorities in the Punjab had no right to urge upon the League a compromise on issues of an all-India character, as these matters did not come within their rights as provincial minorities."[41]

Soon after, Mr Jinnah adopted a very firm attitude towards the Unionist Party and intimated the following terms of alliance to Sir Khizar Hayat Khan :

1. That every member of the Muslim League Party in the Punjab Assembly should declare that he owed his allegiance solely to the Muslim League Party in the Assembly and not to the Unionist Party or any other party.
2. That the present label of the Coalition, namely the Unionist Party should be dropped.
3. That the name of the proposed coalition should be Muslim League Coalition Party.[42]

The leader of the Unionist Party did not accept these terms. Consequently, the Muslim League members of the Punjab Assembly, whose strength had risen from 1 to 22, crossed over to the opposition just before the dissolution of the Assembly for the elections of 1946.[43]

Meanwhile, the British Government was busy in offering a solution to the Indian problem. The Cabinet Mission put forward proposals whereby a Constituent Assembly elected by the members of the provincial Legislations in 1946 was to be set up to settle the Constitution of India under a three-tier plan. The proposals were accepted by the Muslim League and the Congress, but with mental reservations. The existing Punjab Legislative Assembly was dissolved and new elections were ordered. Naturally, the main question before the electors was the shape of the constitution to come.

Muslim League Victory in Elections

In the elections of 1946, the Muslim League secured 73 seats of the Punjab Legislative Assembly out of 85 seats contested, whereas the Unionist Party won only 19 seats (out of which only 4 were

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41. Ibid , p. 32
42 Press Information Bureau, *Government of India Series No. 21*, dated 5th March, 1946, p. 5
43. *Idem*

held by the Muslims). The Muslim League polled 75·26 per cent votes of the Muslims whereas the Unionist Party polled only 26·61 per cent votes of all communities. This was but natural. The Unionist Party had no objective so far as the framing of a Constitution for India was concerned. Its only objective could be presented to be to stick to power. The League emerged as the largest single party in the Punjab Legislative Assembly.[44] Despite the Muslim League's victory in the election Sir Khizar Hyat Khan succeeded after considerable manouvering in forming a Coalition Ministry with the support of the Akali Party[45] and the Congress Party. For the first time, the largest party of the Muslims found itself totally excluded by an undreamed of combination of the Congress, the Unionist and the Akali Party. It is possible that if the League leaders had been left free to form a coalition, they would have been compelled, just in order to gain power, to adopt a more conciliatory attitude towards the minorities. In that case, they would have been less tempted to stir up strife. The allies forming the coalition government—the Congress, the Akalis and the rump of the Unionists—must all share blame for the situation that arose. The Akalis and the Congress seem to have miscalculated both their own strength as well as that of the new Chief Minister. As the chief architect of this ill-started coalition, (as he claims to be) Maulana Azad was responsible, above all, in giving this unnatural twist to the Punjab politics.[46]

The election results in 1946 had clearly indicated that the Muslims of the Punjab were solidly behind the Muslim League and its demand for Pakistan with the whole of the Punjab as one of its provinces. In that event the Sikhs and the Hindus of the Punjab would have been left in Pakistan.

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44. *Press Information Bureau Series No. 22*, dated March 5, 1945, pages 5, 10 and 12. The relative strengths of the various parties just after elections of 1945-46 were :-

Muslim League	...	73 seats
Unionist	...	19 ,,
Congress	...	51 ,,
Akalis	...	21 ,,
Independents	...	11 ,,
Total seats		175 seats

45. The Akali Party was formed of the reformist Sikhs who wanted to reform their religious shrines. After the enactment of the Gurdwara Act 1925 the Akali Party entered politics. In elections of 1937, the Akali Party won 10 Sikh seats. In the elections of 1945-46 it secured 21 seats.
Ibid.

46. Maulana Abul Kalam Azad, *India Wins Freedom*, pp. 128-129.

APPENDIX CHAPTER II

Memorandum Handed over to Sir S. Cripps on March 31, 1942 on behalf of Shiromani Gurdwara Parbandhak Committee, Amritsar.

After giving careful consideration to the proposals which have now been published from the point of view of India's integrity and the Sikh position, we find them unacceptable because :—

1. Instead of maintaining and strengthening the integrity of India, specific provision has been made for the separation of provinces and the constitution of Pakistan and

2. The cause of the Sikh community has been lamentably betrayed. Ever since the British advent, our Community has fought for England in every battlefield of the Empire, and this is our reward that our position in the Punjab, which England promised to hold in trust, and in which we occupied a predominant position, has been finally liquidated.

Why should a province that fails to secure a three-fifths majority of its legislature, in which a community enjoys a statutory majority be allowed to hold a plebiscite and given the benefit of a bare majority ? In fairness, this right should have been conceded to communities who are in a permanent minority in the legislature.

Further, why should not the population of any area opposed to separation be given the right to record its verdict and to form an autonomous unit.

We are sure you know that the Punjab proper extended up to the bank of the Jhelum, excluding the Jhang and Multan Districts, and the trans-Jhelum area was added to it by the conquest of Maharaja Ranjit Singh and retained by the British for administrative convenience. It would be altogether unjust to allow the extraneous trans-Jhelum population, which only accidentally came into the province, to dominate the future of the Punjab proper.

We give below figures which abundantly prove our contention :—

From the boundary of Delhi to the bank of the Ravi River the population is divided as follows :

Moslems	4,505,000
Sikhs and other non-Moslems	7,646,000

From the Delhi boundary to the bank of the Jhelum River, excluding Multan and Jhang districts the population figures are :—

Moslems	8,288,000
Sikhs and other non-Moslems	9,348,000

To this may be added the population of the Sikh States of

Patiala, Nabha, Jind, Kapurthala and Faridkot, which is about 2,600,000. Of this, the Moslems constitute barely 20 per cent and this reduces the ratio of Moslem population still further.

We do not wish to labour the point any more. We have lost all hope of receiving any consideration. We shall resist, however, by all possible means the separation of the Punjab from the All-India Union. We shall never permit our motherland to be at the mercy of those who disown it.

We append a note on Sikhs' position with this memorandum.

NOTE ON THE SIKHS' POSITION

On behalf of the Sikhs, we wish to place the claims of the Sikh Community in the proposed Scheme of His Majesty's Government for the governance of India. We begin by giving a historical background of our case.

The Sikhs are an important and distinct community, mainly concentrated in the Punjab of which they were the ruler until 1849. Sikhism recognises no caste and strictly enjoins upon those who profess it to treat all human beings as equal.

The Sikhs play an important role in the economic and civic life of the country and a leading part in its defence In the British Punjab with their 3¾ million population (13·5% of the whole) the Sikhs pay 25% of the land revenue and 40% of the land revenue and water rates combined, the main source of the Provincial exchequer. They maintain at their own expense over 400 schools and four colleges open to all communities and classes without distinction. The percentage of literacy among the Sikhs is higher than in any other community in the Punjab.

They have got a large number of Sikh shrines with big landed estates attached to them which are the centres of the Sikh culture and tradition.

The authors of Montford Report recognised the importance of the Sikhs and "the difficulty of denying to the Sikhs in the Punjab a concession which is granted to Mohammedans" (para 163).

The Simon Commission states ; "Sikhism remained a pacific cult until the political tyranny of the Mussalmans and the social tyranny of the Hindus converted it into a military creed. It is a striking circumstance that this small community contributed no less than eighty thousand man (actually 89,000 combatant recruits in addition to 32.500 already serving when the war broke out") to serve in the Great War, a larger portion than any other community in India."

With a population of over six millions in India, the share of the Sikhs in the Defence forces of the country has always been out of all proportion to their population. The Sikhs are perhaps the only community which is making an organised war effort by the establishment of the "Khalsa Defence of India League" to maintain its glorious traditions in the Army.

We do realise that with our past traditions and the excellent fighting material that can be found in the Sikh districts, we should have done still better in mobilising our man power, but we are constrained to remark that nothing has been done by the Government to rouse the enthusiasm of the Sikh community in the way of recognition of its status in the Central Government of providing effective safeguards for it in the Punjab to which it was entitled on its unrivalled position—historical, political and economic.

The Sikhs were deeply disappointed at the differential treatment meted out to them under the so-called "Communal Award" of 1932. In spite of their unique position in the Punjab, they were not given the same weightage in the legislature as the Muslim minorities were given in other provinces. By way of illustration, it may be stated that the Muslims with 14.8% population in U.P. were given 30% seates in the Provincial Assembly as against 18.8% seats to the Sikhs in the Punjab with their 13.5% population. Their influence in the administration and political life of the Punjab was further weakened in the formation of the Provincial Cabinet.

Whereas in the days of dyarchy out of three Punjabis appointed as ministers and members of the Governor's Council, there was one Sikh from 1921 to 1926 and one Sikh out of four Punjabis from 1926 to 1937, since the advent of the Provincial autonomy there has been only one Sikh out of the total of six ministers. It will thus be observed that in the sphere of the supreme executive of the Province, the representation of the Sikhs was reduced from 33% to 25% in 1926 and to 16% in 1937. This progressive deterioration of the share of Sikhs in the Punjab Cabinet is strongly resented by the Community, as it has led to encroachment on their religious and cultural rights and the waning of their influence on the political and economic life of the country.

We submit that under the existing Constitution the strength of the Sikhs in the Punjab Cabinet should be maintained normally at 33% and in no case below 25%, so that they may always be at least two Sikh ministers in the Cabinet. We also feel that so long as communal electorates continue to be the method of representation in

the legislature, the Cabinet should be formed on a coalition basis in the true sense of the word. We may here point out that when ministries were functioning in all the provinces, in U.P. where the percentage of the Muslim population is nearly the same as that of Sikhs in the Punjab, there were two Muslim Ministers in a cabinet of six.

In the sphere of the Central Government, the Sikh community in spite of its important state in the country, its sacred shrines scattered all over India and the valuable services that the Sikh soldiers and technicians are rendering, has been unjustly treated. The Sikhs have suffered a great disillusionment by the deliberate neglect of their claims, and the omission of any reference to the Sikh minority by the British statesmen and the Viceroy of India in their statements made from time to time during the last ten years on the Indian question. It seems as if in their opinion, Muslims alone or the Depressed Classes, sometimes, constitute the important minorities of India.

Although for seventeen years a Punjabi has been appointed on the Viceroy's Council, no Sikh has ever been considered for such an appointment. Even at the time of the last expansion of the Executive Council, the claims of the Sikhs were entirely ignored.

In this connection we would like to invite attention to the decisions of the Allahabad Unity Conference which were arrived at between Hindus, Muslims and Sikhs in November 1932. Resolution No. 4, regarding Cabinets reads as follows :

1. "In the formation of the cabinet of the Central Government so far as possible members belonging to the Muslim, Sikh and other minority communities of considerable numbers forming the Indian Nation shall be included by convention".

2. 'Further during the first ten years in the formation of the Central Government, a seat shall be offered to a member of the Sikh Community".

Resolution No. 7 reads as under —

(*ii*) "It is agreed that in the Central Legislature out of the total elected seats allotted to British India 33% shall be reserved for Muslims and $4\frac{2}{3}$% or 14 seats out of 300 for Sikhs".

It will thus be observed that leading Indians of different communities recognized the importance of the Sikh minority and agreed to accommodate it in the Central Cabinet, and also to give it nearly 5% representation in the Central Legislature.

We favour immediate transfer of power to Indian hands,

entrusting all portfolios, including Defence, to Indians with experience of public life. We feel that in this way alone, the moral and material resources of India can be tapped to the fullest extent and Indians can participate in the war with full vigour and enthusiasm.

The Sikhs stand for national unity and the integrity of India. They would like the provinces to enjoy as wide a measure of autonomy as may be compatible with good government in the country as a whole but they also feel that any weakness at the Centre will expose India to internal and external danger.

They are strongly opposed to the vivesection of India into two or three rival Dominions or sovereign States as is contemplated in the British proposals. They feel that such a step would lead to a state of perpetual strife aud civil war in the country.

If the object is to give self-determination to the provinces in the matter of accession to the "Union of India", the right to stand out and break the unity of India should not be exercised by a bare majority but by at least 65% of Indian members present at the meeting of the Provincial Assembly when the Resolution is considered. A plebiscite on the issue of secession is certain to lead to intercommunal riots of a most serious character and magnitude and should in no case be resorted to.

We are constrained to remark that the proposed scheme does not make any provisions for safeguarding the interests of the Sikh minority. The decisions of the constitution-making body are to be by a bare majority and no provision is made for recourse to arbitration by the aggrieved party as was even assured by Mahatma Gandhi in his statement on the Congress scheme of Constituent Assembly. The treaty which is proposed to be negotiated between the constitution-making body and His Majesty's Government for protecting the religious and racial minorities in accordance with undertakings given by the British Government will have no sanction behind it. Besides, we are not sure how political rights which relate mainly to a share in the legislature and the administration of the country will be incorporated into the treaty. The treaty might cover the cultural religious and linguistic rights of minorities as such treaties in European countries after the last Great War did. But the undertakings given to the Sikhs by His Majesty's Government from time to time relate to the position and status of the Sikhs in the governance of the country and not merely regarding the exercise of their religious or cultural rights.

The Sikhs, therefore, feel that they cannot attain their rightful

position or can effectively protect their interests unless the Punjab is redistributed into two provinces with the River Ravi as forming the boundary between them.

We might invite attention to the All-India Muslim League resolution of the Lahore session held in March 1940 which is popularly known as the Pakistan Resolution.

"That no constitution would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, viz. that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign."

A careful reading of the resolution discloses the fact that the Muslim League itself visualised the readjustments of areas and the inclusion in their separate state of only those areas in which the Muslims were in a majority.

The population of the Punjab is so distributed that the two western divisions of Rawalpindi and Multan are predominantly Muslim and the two eastern divisions of Ambala and Jullundur are predominently non-Muslim. The three central districts of Amritsar, Gurdaspar and Lahore have a balanced population. The separate figures of population for each district of the Punjab are attached as annexure to this statement. If a new province of a contiguous area of the two divisions of Ambala and Jullundur plus the three districts of Lahore, Gurdaspur and Amritsar is carved out, it will have a total population of 12,151,000 (according to the 1931 Census) with non-Muslims forming 63% and Muslims 37% of the population. The other province to the west of the River Ravi comprising Multan and Rawalpindi Divisions plus the three districts Sheikhupura, Sialkot and Gujranwala will have a total population of 11,429,000, with Muslims forming 77.3% and non-Muslims 22.7% of the population.

The Sikhs do not want to dominate but they would certainly not submit to the domination of a community which is bent upon breaking the unity of India and imposing its personal laws and culture on the other sections of the population.

We submit that in any interim arrangement or in the permanent scheme the following safeguards should be provided either in

the treaty which might be enforceable or in the constitution itself :—

1. By delimiting the present provincial boundaries of the Punjab, a new province comprising Ambala and Jullundur Divisions with the three districts of Amritsar, Gurdaspur and Lahore be constituted.

2. The Sikh minority in the provinces be given the same weightage and measure of protection as the Muslim minority.

3. So long as communal electorates exist, provincial cabinets should be formed on coalition basis.

4. The Sikhs should always be given 5% representation in the Central Legislature.

5. A Sikh should always be given a seat in the Cabinet of the Central Government.

6. A Defence Advisory Committee should be set up for advising the Indian Defence Minister and a Sikh should be given a seat on that Committee.

7. The position of the Sikhs in the defence forces of India should be maintained in keeping with their past tradition and strength in those forces.

8. The share of the Sikhs should be fixed in provincial and all-India services on the lines it has already been provided or may be provided for the Muslims.

9. Religious laws of Sikhs enacted, may only be amended by the votes of the majority of the Sikh members in the Legislature.

10. No restrictions should be imposed by the State in the exercise of the religious rights of the Sikhs in the matter of eatables and religious performances.

11. The State should provide for the teaching of Punjabi in Gurmukhi script where a certain fixed number of scholars is forthcoming.

Handed over to Sir Stafford Cripps
on March 31, 1942

ANNEXURE

Districtwise Percentage of Muslim Population (1931)

Jullundur Division :

1. Kangra	}	5.5
2. Simla	}	
3. Hoshiarpur		31.8
4. Jullundur		44.5
5. Ludhiana		35.1

6.	Ferozepore	44.6
Ambala Division :		
7.	Hissar	28.3
8.	Rohtak	17.1
9.	Gurgaon	32.7
10.	Karnal	30.5
11.	Ambala	31.0
Lahore Division :		
12.	Amritsar	47.0
13.	Gurdaspur	50.8
14	Lahore	59.2
15.	Sialkot	62.2
16.	Gujranwala	70.8
17.	Sheikhupura	64.1
Multan Division :		
18.	Montgomery	69.8
19.	Lyallpur	62.6
20.	Jhang	83.2
21.	Multan	80.3
22.	Muzaffargarh	86.8
23.	Dera Ghazi Khan	88.7
Rawalpindi Division :		
24.	Gujarat	85.4
25.	Shahpur	82.7
26.	Jhelum	89.1
27.	Rawalpindi	82.8
28.	Attock	90.9
29.	Mianwali	86.9

CHAPTER III

THE PARTITION PLAN

After the termination of the Second World War in 1945, circumstances took a favourable turn for the independence of India. The Labour Party in England, having the independence of India as one of the issues in its election manifesto, won the elections.[1] Thus the question of granting independence to India came to the fore-front. Moreover Mr C.R. Attlee (later Lord Attlee), the leader of the Labour Party and now Britain's Prime Minister, took personal interest in the various plans for the transfer of power to India.[2]

Failure of the Cabinet-Mission Plan

Soon after coming into power, Attlee sent a mission to India, consisting of several members of the Cabinet. After discussing first in England and then in India, it put forward its proposals. They apparently made a serious attempt to meet the Muslim League's point of view half-way and thus preserve the unity of India. It provided limited powers for the Centre. The Constituent Assembly to be set up was to have the following compulsory grouping of the provinces for making the Constitution of a free India :

Section A : Consisting of Madras, Bombay, U.P., Bihar, the Central Provinces and Orissa.

Section B : Consisting of Punjab, the North Western Frontier Province, Sindh and British Baluchistan.

Section C : Consisting of Bengal and Assam.[3]

In Section B, the Muslim representatives were 22, Hindus 9 and the Sikhs 4. The Sikhs protested against this compulsory grouping and in a letter, dated May 25, 1946, to the Secretary of State, Master Tara Singh, the Akali Leader wrote, that "a wave of dejection, resentment and indignation has run through the Sikh community. The Sikhs have been thrown at the mercy of the Muslims."[4] S. Baldev Singh, the Defence Member of the Interim

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1. Herbert Morrison, *Government and Parliament*, p. 222
2. C.R. Attlee, *As it Happened*, London, pp. 78-79
   Mr Attlee was a member of the Simon Commission and hence one of the architects of Government of India Act, 1935
3. *S.D.I.C.* Vol. II, p. 582
4. *Papers relatings to the Cabinet Mission Plan in India*, p. 61

Govcrnment, wrote to the Prime Minister of Britain, seeking his intervention to remedy the wrong done to the Sikh community.[5] In a memorandum submitted to the Cabinet Mission, the Shiromani Akali Dal stated, "As an alternative to the existing province of the Punjab, a new province may be carved out as an additional provincial unit in the unit d India of the future in a such a way that all the important Sikh shrines (Gurdwaras) be included in it as also a substantial majority of the Sikh population of the existing province of the Punjab."[6]

The Indian National Congress was opposed to the compulsory grouping of provinces and suggested the splitting up of the Punjab : ".. there must be no compulsion to any province or a part of a province by another province. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned.....the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any compulsion a province or a part of a province has the right to take such action as may be deemed necessary."[7] This greatly irritated the Muslim League which soon after condemned this resolution in these vigorous terms : ".. these qualifying clauses confer the right of veto within a section on a province and what is more absurd on a part of a province and on the Sikhs in the Punjab."[8]

There were vital difference between the Congress and the Muslim League regarding the Cabinet Mission Plan. The Congress apparently felt that when it came to forming zonal Government, a province or a part of a province could opt out of the zone. It had not really accepted either the three—tier Government or limitations on the power of the Constituent Assembly laid down in the Plan. After the elections of the Constituent Assembly, the Congress insisted on its functioning. As the Congress had a predominant majority, naturally it was likely to insist on its own interpretation of the Plan and secure that the Constituent Assembly went its way. Mr Jinnah described this as "a blunder of a very grave and serious character."[9] The Constituent Assembly started its working on

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5. V.P. Menon, *Transfer of Powe" in India*, Calcutta, 1957, p. 291
6. *Memo"andum submitted to Cabinet Mission, S.H.R. No. 1815,* Khalsa College, Amritsar
7. *H.I.N.C.* Vol. II, p. 823, *Framing of the constitution*, B. Shiva Rao, Vol. I, pape 353
8. *S.D.I.C.* Vol. II, p. 660-61
9. Ibid., page 657

December 9, 1946. The Muslim League boycotted it and stated that "the elections to and thereafter summoning of the Constituent Assembly in spite of strong protests and most emphatic objections on the part of the League, were *ab initio* void, invalid and illegal."[10]

Conflict in the Interim Government

Apart from fundamental differences regarding the long term arrangement, there had never been smooth working of the Interim Government. The Muslim League had at first refused to join the Interim Government in the hope that this would keep out the Congress. When the Governor-General invited Mr Nehru to form the Government, it was greatly upset. After some time, it also decided to join the Government. The object of the Congress members in the Interim Government was to bring into existence healthy conventions of non-interference by the Viceroy and the Interim Government working as a team, so that it may be replaced by the National Government in due course. The Muslim League members had entered the Government with the avowed object of holding Congress to ransom, lest anything should be done which might prejudice its claims for Pakistan. In this campaign, their chief weapon was the emphasis on legality "preventing the Government from functioning as a Cabinet and to increase the power and influence of the Viceroy in order to save themselves from being overridden by the Congress majority."[11] Mr Jinnah held that the "Interim Government has been formed under the present Constitution, the Act of 1919 which is in operation.....It is a sheer flight of the imagination to call it a Cabinet, a National Government or even a Coalition.....It can, therefore, only function in the terms of the Government of India Act of 1919, so far as the day-to-day administration is concerned."[12] He was obviously mistaken. The constitutional development in Great Britain has mainly arisen because of the popular representatives in power, claiming more than the law allowed them. To the Congress members that attitude seemed reactionary, as it insisted on keeping the *status quo* and forbade any progress by conventions. There was continual friction between the League and the Congress in the Interim Government. Liaqat Ali Khan, who was the Finance Member of the Interim Government, seldom agreed to the proposals

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10. Ibid., page 666
11. E.W.R. Lumby, *Transfer of Power in India*, London 1954, p. 123
    H.V. Hodson, *Great Divide*, London, 1969, p. 182-83
12. Mr Jinnah's statement dated Nov. 26, 1946, *S.D.I.C.*, Vol. II, pp. 485-86

coming from the Congress members.[13] Lord Clydesmuir, who officiated as Governor General during the absence of Lord Mountbatten in May 1947, observed, "At that time relations between the Hindus and the Muslims (members of the Government) had almost reached breaking point. At the Centre there was a joint Cabinet in name only."[14]

The New Approach

Since the Cabinet Mission Plan had practically failed, the Viceroy suggested a 'pretty defeatist' scheme about which Lord Attlee wrote, "Wavel and his chief service advisers were despondent and could only suggest progressive retirement from India, Province by Province which was in my view a counsel of despair.....Well, I thought that was what Winston could certainly quite properly describe as an ignoble and sorbid scuffle and I would not look at it."[15] A change in the holder of the office of the Viceroy was considered necessary. The British Prime Minister added, "I had great admiration for Lord Wavel, both as a soldier and as a man, but I did not think he was likely to find a solution. I did not think that he and the Indians could really understand each other. New men were needed for a new policy."[16]

On the appointment of Lord Mountbatten as Viceroy of India, the British Prime Minister made a very significant speech in the Parliament. He said, "His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June 1948. . . . His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India or some areas to the existing Provincal Governments or in such other way as may seem most reasonable and in the best interests of the Indian people".[17] This statement, according to Andrew Mellor, "altered the course of history. The echoes of this momentous announcement

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13. Maulana Abul Kalam Azad, *India Wins Freedom*, Orient Longman, 1954, p. 16
14. Lord Clydesmuir, "Transference of Power in India," *Asiatic Review*, Oct. 1948
15. Lord Attlee, *As it Happened*, p. 183
16. Ibid
17. *S.D.I.C.*, Vol. II, p. 668

reverberated throughout the Subcontinent."[18] For the first time, the Indians felt that the British irrevocably intended to leave. It "paved the way for partition and even represented an indirect concession to the League demand for Pakistan."[19] Gandhiji rightly perceived its meaning when he wrote to Nehru "This may lead to Pakistan for those provinces or portions which may want".[20] This statement together with the Muslim League's policy of obstruction prepared the Congress leaders to accept partition, as they were fed up with the Muslim League's tactics. Pandit Nehru subsequently said, "There was an overwhelming sense of conflict during the Interim Government days by pulls in different directions by the Muslim League. It was felt that even if some arrangement could be arrived at to prevent partition, these conflicts and disruptions would continue and might come in the way of any marked progress in the economic and other planning later. It would have left the Federal Government weak."[21] Unlike his predecessors, Lord Mountbatten had demanded, and had been given, a free hand in settling the Indian question without reference to the Home Government. The negotiators could not bank upon an appeal to the Home Government. He insisted on binding the parties to what he got settled.[22]

The Congress Demand—Partition of the Punjab

The appointment of a new Viceroy and the fixation of a date for the transfer of power to Indian hands had a significant impact on the Punjab politics. Soon after Attlee's statement Sir Khizar yielded to the pressure tactics of the Muslim League and resigned. Justifying his resignation he said, "If I were now to continue to lead a Coalition in which the Muslim League is not represented, this might put in serious jeopardy such chances as might otherwise exist of a settlement being arrived at between the communities in the province".[23] Mr Jinnah's idea of a settlement was the inclusion of the whole of Assam, Bengal and the Punjab in his Pakistan. But Lord Mountbatten would have none of it. Mr Jinnah was now definitely told that he could have Pakistan if its writ would run only in the areas where the Muslim were in a majority. If the Muslims were to opt

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18. Andrew Mellor, *India Since Partition*, London, 1956, p. 9
19. Brechor, *Nehru—A Political Biography*, London, 1956, p. 336
20. Pyare Lal, *Last Phase* Vol. II, Ahmedabad, p. 566
21. Nehru's Press sttatement on "India Wins Freedom." *The Tribune*, Ambala, dated February 8, 1959
22. H.V. Hudson, *Great Divide*, London, 1969, page 201
23. *The Tribune*, Lahore, dated March 4, 1949

out of India, the non-Muslims in the predominantly non-Muslim areas would have to be allowed to opt out of the Punjab, and Bengal and the Muslim claim in Assam would be limited to Muslim parts of the Province alone.

Meanwhile, instead of any communal settlement in the Punjab, there broke out communal riots in the districts of Rawalpindi, Attock and Multan. These riots vitiated the political atmosphere. Pandit Nehru said in a press conference at Lahore, after visiting the riot-affected areas, "Obviously all that has happened is intimately connected with political affairs. I propose to say nothing about that aspect, except this that if politics is to be conducted in this way, then it ceases to be politics and become some kind of jungle warfare which reduces human habitation to the state of a desert".[24] On April 8, 1947 the Congress passed, among others, the following resolution ". . . These tragic events (the communal riots in the Punjab) have demonstrated that there can be no settlement of the problem of the Punjab by violence and coercion and no arrangement based on coercion can last. Therefore it is necessary to find a way out which involves the least amounts of compulsion. This would necessitate the division of the Punjab into two provinces, so that the predominantly Muslim parts may be separated from the predominantly non-Muslim parts".[25]

The resolution adopted a new stand which told the Muslim League that it could not have it both ways. It could not claim to take Muslim majority areas out of India and insist on keeping non-Muslim majority portions in Pakistan to tyranise over them. They could not include the whole of the Punjab into Pakistan. The areas with non-Muslim majorities must be allowed to opt for inclusion in India. But the division of Punjab could only be conceded after the Congress had reconciled itself to the creation of Pakistan. By this time, Mountbatten, the new Governor-General had discussed his tentative plan with the Congress leaders and Mr Jinnah. The Congress high command, barring Maulana Azad, had tentatively accepted the partition of India. This laid the foundation of the Partition Plan. Following the lead given by the Congress, the Hindu and the Sikh members of the Central Legislature, belonging to the Punjab, addressed a letter in April to Jawahar Lal Nehru with the request that their submission be endorsed by him and communicated both to the Viceroy and His Majesty's Government. The

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24. D.R. Bose, *New India Speaks*, Calcutta 1947, p. 133
25. *Indian Annual Register 1947*, Vol. I, pp. 118-19

letter ran : "The Muslims and non-Muslims are equally balanced and no Government can carry on without the support of three communities. Fortunately, the population of the Province is so divided that there are districts and contiguous areas where Muslims and non-Muslims predominate. We have given anxious and deep thought to this problem. After considering all its pros and cons, we have come to the conclusion that the only way out of the present deadlock lay in the partition of the Punjab into two provinces."[26] The Sikh leaders jointly with the Hindus as well as separately insisted upon the division of the Punjab and the Shiromani Akali Dal asserted that partition of the Punjab was "the only remedy to end communal strife."[27] Master Tara Singh, Sardar Baldev Singh and Giani Kartar Singh expressed similar views during their interviews with the Viceroy on the April 18, 1947.[28]

The communal riots of the Punjab received some attention in England. *The Times*, London, described the Punjab situation as "most critical". On the 11th March in an article "Lesson from the Punjab" it stated that "the Sikhs" complain with justice that the Muslim League seeks to deny to them in the Punjab the position which it claims in the rest of India." It reverted again to the Punjab communal riots on the 18th March and observed editorially "Prolonged agitation directed by the Muslim League against the Unionist Coalition Government of the Province paved the way for the present outbreak of communal violence." Punjab had been put under the Governor's rule under section 93 of the Government of India Act. The resignation of Khizar had not made possible the emergance of a Muslim League ministry in power. This had further exasperated the Muslims and Lahore had become a victim to constant rioting. When Lord Mountbatten took over from Lord Wavell on 24 March, 1947, he was faced with the most urgent and critical problem in the Punjab. As Alan Campbell Johnson put it, "We have inherited 'inter alia' communal rioting and the key province of the Punjab with three-fold Hindu, Moslem and Sikh communal problem governed by emergency decree."[29]

The Partition Plan

After discussing the Indian constitutional problem with

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26. *P.P.* Vol. VI, p. 234
27. *Indian Annual Register* 1947, Vol. I, Calcutta, p. 244
28. Ibid
29. Alan Campbell Johnson, *Mission with Mountbatten*, London, 1951, p. 40

different leaders, Lord Mountbatten came to the following conclusions :

1. "On the assumption that Mr. Jinnah's power and purpose were sustained, partition would have to be provided for."

3. "Partitioning of the Centre involved similar treatment for these provinces where two communities were evenly balanced."[30]

The next problem, as Lord Mountbatten himself stated, "was to see if the Congress party which had always stood for a united India, would be prepared to consider the partition of the country as a price for quick transfer of power and the restoration of peace. It was pointed out that in the case of provinces, like the Punjab and Bengal, partition would undoubtedly be involved. The Congress was not prepared to agree to a partition of the country with the entire Muslim majority provinces of Punjab and Bengal going in Pakistan. Partition of India for them was necessarily acceptable only if the non-Muslims majority portions of the Punjab and Bengal were to be placed in India. When this was put to Mr Jinnah, he was against the performance of a surgical operation on the provinces which had ancient histories of unity."[31] Lord Mountbatten argued, "that the feeling invoked In his heart (Mr Jinnah's heart) by prospects of partition of those provinces was the feeling invoked in my heart and the heart of the Congress against the partition of India itself. And we went, on one night say, around the mulberry bush, always coming back to the same point." At last Mr Jinnah came forward with an enquiry whether the same principle of partition of provinces would be extended beyond the Punjab and Bengal which meant the partition of Assam. Lord Mountbatten readily agreed to that also.[32]

Punjab Governor's Dissent

The following points which formed the basis of the Partition Plan were circulated to the Governors of various provinces :—

1. The provinces generally speaking to have the right of self-determination.
2. The Punjab and Bengal to be notionally divided for voting purposes.
3. The predominantly Muslim Sylhet district in Assam to be

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30. Ibid. p. 55
31. *Asiatic Review*, London, Oct. 1948. Speech of Lord Mountbatten
32. *Time only to Look Forward*, (Speeches of Lord Mountbatten), pp. 20-21 London, 1949 ; Hodson, *Great Divide*, page 216

given the option of joining the Muslim Province created by partitioned Bengal through referendum.

4. Referendum to be held in the North West Frontier Province on the issue whether it was to join one group of provinces or another.[33]

The Governor of the Punjab at that time was Sir Evan M. Jenkins who had spent 17 years of his career in the Punjab.[34] He expressed his dissatisfaction with the plan and argued that it would satisfy neither Mr Jinnah nor the Sikhs, because it would leave for Jinnah a truncated Pakistan and it would cut the Sikhs in almost two equal parts. Mountbatten was, however, very optimistic on these two points. He said that "in the last analysis, Jinnah would acquiesce and the only way the Sikhs could improve their position was through negotiation."[35]

Consequently, meetings between Mr Jinnah and Liaqat Ali Khan and the Maharaja of Patiala and Sardar Baldev Singh, the Defence Member of the Interim Government, were arranged. Since the Sikhs had already put forth the demand of a Sikh State, the talks naturally centred on that issue. Mr Jinnah and Liaqat Ali Khan agreed to the formation of the Sikh State with its separate military establishment within Pakistan, provided the Sikhs did not insist on the partition of the Punjab and agreed to join Pakistan.[36] The Sikh leaders demanded the right of opting out of Pakistan for the Sikh State to which the Muslim League leaders did not agree.[37] Master Tara Singh told the writer that if Mr Jinnah had agreed they would have negotiated with the Congress for better terms. It is difficult to visualize what better terms the Congress could have offered short of creating of an independent Sikh State in the portion of Punjab which fell to India's share. But Master Tara Singh and

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33. *Asiatic Review*, Oct. 1948
34. Sir Evan Meredith Jenkins was born on Feb. 2, 1896. Joined Indian Civil Service in 1920 and served in the Punjab. He was Chief Commissioner of Delhi in 1937, Secretary of the Department of Supply from 1940-43, Private Secretary to the Viceroy and Secretary to the Governor General (Personal) from 1943-46. He was Governor of the Punjab from 1946 to Aug. 15, 1947
35. *Mission with Mountbatten*, p. 85
36. "Mr Jinnah's offer of Sikh State," Maharaja Patiala's article, *The Tribune* Ambala, July, 19, 1959. This would have left the Hindus of the Punjab in Pakistan either of its Punjab part or in the newly created Sikh Province of Pakistan
37. Statement of Master Tara Singh, *The Tribune*, Ambala, July 23, 1959

Sardar Baldev Singh or Maharaja of Patiala did not contact Congress after Mr Jinnah's refusal to concede their demand.

There were several reasons for the breakdown of Akali-Muslim League talks. There had never been any previous understanding between them, though the Akalis and the Congress had baulked the Muslim League of its right to form a government in 1946. An influential Akali leader Giani Kartar Singh, attended the Muslim League M.L.A's Conference in Delhi in April 1947, and he tried to probe into Muslim League's attitude towards the Sikhs in case of the establishment of Pakistan. He was told nothing apart from being given assurances of good treatment.[38] It has been rightly stated that Mr Jinnah "himself knew no more of the Punjab than Neville Chamberlain did of Czechoslovakia."[39] But this did not trouble Jinnah at all. He was trying to create Pakistan of his dreams, an Islamic State for the Muslim Nation. He was not anxious to give the Sikhs a Sikh State of their conception and his only concern was to keep as much of the Punjab in Pakistan as he could by hoodwinking the Sikhs, if he could.

From the Sikh point of view, the Sikh-Muslim accord might at the most have saved them from the miseries of migration, death and destruction caused by the communal riots. But even this is doubtful as it presumes that in Jinnah's Islamic State they would have been left alone. Nothing could grant them protection against Muslim fanaticism. As events later on were to show, the Muslim could easily mount a *Jahad* in Pakistan even against the so-called heretic Muslims, the Qadianis. Mr Jinnah could not be expected to create a Sikh province in Pakistan stretching as far as Nankana Sahib or Lahore. The less would not have satisfied the Sikhs at large. Mr Jinnah wanted the Sikhs to join Pakistan and gave assurances of good treatment towards them. The Sikh leaders insisted on some constitutional rights when they met Jinnah in 1946 and 1947 which obviously Jinnah would not concede. The later failure of the Moon mission was from the very beginning foreseen. Mr Jinnah's Islamic State had no place for zealous and aggressive non-Muslims. S. Baldev Singh rightly described the attitude of Mr Jinnah to that of a salesman who wanted to sell a horse without convincing the customer of its good qualities by trial and always asserted that the horse was a good one.[40] When Lord Ismay

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38. Ian Stephens, *Pakistan*, London, 1963, p. 140
39. P. Moon, *Divide and Quit*, London, 1961, p. 37
40. Writer's conversation with Major J.M. Short

approached Mr Jinnah in early August 1947 to issue a statement assuring the Sikhs their religious freedom and categorically stating that Pakistan was as much for the Sikhs as for the Muslims, the latter refused.[41]

An accord between the Akalis and the Muslim League would only have been possible if the Sikhs could obliterate their past bitter memories of the eighteenth century Muslim domination. But to join Pakistan of Mr Jinnah's dream demanded great fool hardiness on the part of the Sikh leaders when sufficient justification for joining it was not forthcoming from the Muslim League. In the communal riots of March 1947, Sikhs had been killed in large numbers by the fanatical Muslim mobs. But not a word of regret had been expressed by any of the Muslim League leaders. Passions ran so high and tension was so great that any understanding between the Sikhs and the Muslims appeared impossible.

The Sikh leaders made the right choice in the long run. Keeping in view their culture, history and past traditions, which were more akin to the Hindus than to the Muslims, they permanently linked their destinies with India. Joining Pakistan by the Sikhs would have been just like their joining hands with Ahmed Shah Abdali to build an Afghan Kingdom in the Punjab which, according to Rattan Singh Bhango, the immortal author of the *Panth Parkash*, was "mingling fire with water."

Provisions for the Partition of the Punjab

Lord Mountbatten publically announced the Plan on the June 3,1947. The following provisions were made for the partition of the Punjab and Bengal in that Plan :

1. "The Provincial Legislative Assemblies of Bengal and the Punjab, excluding European members, will be asked to meet in two parts—one representing the Muslim majority districts and the other the rest of the province. For purpose of determining the population of the districts the 1941 census figures will be taken as authoritative." The Muslim majority districts of the Punjab, as given in the Appendix of the Plan, were defined as

Lahore Division : Gujaranwlala, Gurdaspur, Sheikhupura, Sialkot, Lahore

Rawalpindi Division : Attock, Gujarat, Jhelum, Mianwali, Rawalpindi, Shahpur

41. Lord Ismay's conversation with the writer

Multan Division : Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh

2. "The members of two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either side decides in favour of partition, division of the province will take place and arrangements will be made accordingly.
3. "In the event of partition being decided upon, for the purposes of the final partition of these Provinces, a detailed investigation of boundary questions will be needed, a Boundary Commission will be set up by the Governor-General."[42]

Acceptance of the Plan

On June 3, Lord Mountbatten reminded Mr Jinnah that Nehru, Patel and Kriplani had made an absolute point that they would reject the Plan unless the Muslim League accepted it as a final settlement.[43] This really invited him to secure public support of the Plan. The Muslim League, therefore, accepted the 3rd June Plan by passing the following resolution on June 9, "The Council resolves to give full authority to the President of the All India Muslim League to accept the fundamental principles of the Plan as a compromise, although it cannot agree to the partition of Bengal and the Punjab or give its consent to such partition, it has to consider H. M. G's plan for the transfer of power as a whole."[44] The Congress Working Committee meeting thereafter the same day accepted the Mountbatten Plan with a reservation about N.W.F. Province. In the meeting of the All-India Congress Committee held on June 14 and 15, 1947, the resolution of the Working Committee was considered. Mahatma Gandhi pleaded with the members and argued that there was no other alternative left for them.[45] Political realism demanded that they should accept the plan. Politics after all was the art of adopting the possible. The Congress Committee, therefore, passed the following resolution on June 15, 1947, "In view, however, of the refusal of the Muslim League to participate in the Consitituent Assembly and further in view of the policy of the Congress that it cannot think in the terms of compelling

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42. *P.P.*, Vol. VI, p. 2
43. *Mission with Mountbatten*, p. 102
44. *P.P.*, Vol. I, pp. 6-7
45. Azad, *India Wins Freedom*, pp. 195-96

the people in any territorial unit to remain in the Indian Union against their declared and established will, the all-India Congress Committee accepts the proposals embodied in the announcement of June 3, which have laid down a procedure for ascertaining the will of the people concerned".[46]

The Working Committee of the Shiromani Akali Dal and the Panthic Pratinidhi Board jointly passed a resolution on June 14, 1947, emphasizing that, "in the absence of the provision of transfer of population and property, the very purpose of partition would be defeated."[47] Giani Kartar Singh, President of Shiromani Akali Dal, said on July 16, 1947, "The Sikhs will not rest contented till the boundary line is demarcated in such a way that it leaves at least 85 per cent Sikhs in India and both the States of Pakistan and India are committed to facilitate the transfer of the remaining 15 per cent from Pakistan to India."[48]

S. Baldev Singh accepted the 3rd June Plan with partition of the Punjab on the basis of contiguous majority areas. Subsequently he said in a statement, "If the verdict of the Boundary Commission went against the Sikhs, they should be prepared to make all sacrifices to vindicate the honour of the Panth".[49] He did not foresee that actual boundary line could not be much different from the notional division included in the 3rd June Plan. The issue of the Sikh shrines, the question of transfer of Sikh population and the exchange of the property for which the Sikh leaders struggled subsequently should have been pressed before agreeing to the 3rd June Plan. But the Sikh leader thought that for his consenting to the plan which affected the Sikhs adversely, the British Government would assert its influence to give them concessions.

Estimate of the Plan

According to Lord Ismay, the Mountbatten Plan was a case of "Hobson's choice".[50] No one in India thought that it was perfect. Lord Mountbatten himself admitted this in a radio broadcast on the day of its announcement. He said : "The whole plan may not be perfect, but like all plans, its success will depend on the spirit of goodwill with which it is carried out."[51]

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46. *P.P.*, Vol. I, pp. 6-7
47. *C. & M. Gazette*, June 15, 1947
48. *The Hindu*, Madras, July 16, 1947
49. *C. & M. Gazette*, July 10, 1947
50. Lord Ismay, *Memoirs of Lord Ismay*, London, 1961, p. 420
51. Ibid., p. 425

The Plan, like most things in politics, was essentially a compromise from every point of view. The Congress, which had been struggling for independence, no doubt achieved it, but its conception of Indian unity was shattered. The Muslim League won its Pakistan, which it so forcefully demanded, but much against its wishes the Punjab and Bengal were partitioned leaving Pakistan "truncated".

There are some who doubted the wisdom of Britain's liquaditing her empire in India. But no critic of the British transfer of power to India has yet been able to suggest an alternative. The British Government could not in 1947 hold India by force of arms—to do so would have imposed an impossible burden on her resources after the Second World War. Some critics bewail the "hurry" in which the Plan was carried through in less than three months. Protracted negotiations might have frayed tempers. Whatever agreements were reached in a hurry were made the basis of the Plan. That is not to say that no departure from the accepted British policy was made on that account. While drawing up the plan for transfer of power every possible care was taken to meet the points of view of only the two major communities leaving aside the Sikhs. Winston Churchil, the then leader of the opposition, had emphasized that if there were an effective acceptance of the plan by both the Congress and the Muslim League, they (the opposition) would do all in their power to expedite the necessary legislation.[52] Though these were the major contenders for receiving power when it was likely to be transferred, yet the Sikhs had been recognized as the third important community for the transference of power, as it was stated in the Cabinet Mission proposals :

> "It is sufficient to recognise only three main communities in India, General, Muslims and Sikhs, the General Community including all persons who are not Muslems or Sikhs".[53]

Whatever the merits or demerits of the Plan, when agreed to by the two major parties, Lord Mountbatten decided to implement it and established various organizations for that purpose.

APPENDIX

Statement of Major J.M. Short

In reply to my following queries J.M. Short gave this statement :—

1. How would you account for the bloodshed which followed the transfer of power in 1947 ?

52. *Memories of Lord Ismay*, p. 422
53. Para 18, Cabinet Mission Plan, *S.D.I.C.*, Vol. II, p. 581

2. What is your opinion about the 3rd June Plan especially with regard to the Sikhs ?
3. When did you arrive in India and what steps were proposed by you to avert the coming crisis ?

You ask me to account for the bloodshed in India soon after we handed it over in 1947. It was, I think, inevitable.

You next ask where I was when the plan of June 3rd 1947 was concocted. I was in England.

You ask if I found the Sikhs liked that plan and if not, what did I do about it. My impressions on getting to Delhi on the 22nd July, 1947, were these : the Sikhs did not like the plan ; they had only agreed to it to meet us more than half-way and to make it easier for us to go out of our way to meet their wish for some sort of Sikhistan. I reported accordingly to our authority in Delhi. They felt as I did, too, that they could not now alter course ; but in so far as they could trim a trifle to meet the Sikhs, they would. And so it was left.

J.M. Short

S.H.R. 3755
Khalsa College, Amritsar

CHAPTER IV

THE PARTITION MACHINERY

The 3rd June Plan had mentioned that before establishing the partition machinery, it was essential to ascertain the wishes of the people concerned. Therefore, according to para No. 9 of the Plan, the members of the Punjab Legislative Assembly met in two sections separately to decide whether they wanted to join the existing Constituent Assembly meant for India or the new Constituent Assembly to be established for Pakistan. The members belonging to the Muslim-majority districts who met separately voted for joining the new Constituent Assembly meant for Pakistan. Then the other members who also met separately opposed joining the Pakistan Constituent Assembly and voted in favour of partitioning the Province.[1] Since it had been laid down in the Plan that the partition of the province was to be effected even if one section was in favour of it, it was decided to implement the decision of the members belonging to the East Punjab to partition the province. After the announcement of the 3rd June Plan, the Viceroy established a Central Partition Committee which was converted into the Partition Council after the Legislative Assemblies of the Punjab and Bengal had decided in favour of partition. It was the central body to decide various issues connected with partition. It had a Steering Committee which supervised the work of partitioning in the various departments of the Central Government. The Partition Council decided the cases referred to it by the Partition Committees of the provinces to be partitioned.

The Punjab Partition Committee

According to Section 9 of the Indian Independence Act, 1947, special powers were given to the governors of the provinces to be partitioned "for bringing the provisions of this Act into effective operation.....for dividing between the new Dominions and between the new Provinces to be constituted under this Act, the powers, rights, property and duties and liabilities of the Governor-General in Council or as the case may be of the relevant provinces which under this Act are to cease to exist."[2] The Act was passed

1. *The Tribune*, Lahore, dated June 24, 1947
2. *Indian Independence Act*, Section 9(*b*)

on the 18 th July, 1947, but it was provided in its para 3 : "This section shall be deemed to have had effect as from the third day of June Nineteen hundred and forty-seven." The Governor of the Punjab established the Punjab Partition Comittəe in order to implement the decision of the partition of the Punjab. The Punjab Partition Committee consisted of four members—two from the East Punjab, viz. Dr Gopichand Bhargava and Sardar Swaran Singh, and two members from the West Punjab, viz. Mr Mumtaz Daultana and Mr Zahid Hussain. The Governor was the President.

The pattern of the functions and working of the Punjab Partition Committee was the same as that of the Central Government's Partition Committee which was converted into the Partition Council after the 26th June, 1947.[3] The main function of this organisation was "to work out the machinery for implementing the partition".[4] A number of departmental committees were established to give suggestions for the division of personnel, assets and liabilities. A Steering Committee consisting of one non-Muslim member and one Muslim member, (Mr M.R. Sachdeva and Mr Syed Yaqub Shah), was established in order to make liaison between the departmental committees and the Punjab Partition Committee and "to provide day-to-day guidance, advice and direction"[5] to various expert eommittees. The members of the Steering Committee were to act as the secretaries of the Partition Committee and were to see that the recommendations of the various committees were presented to the Partition Committee in a suitable form.

The Punjab Partition Committee was faced with a huge task when it met for the first time on the Ist July, 1947. In order to facilitate the work, two seniormost officers, one Muslim and one non-Muslim, were selected from every department to constitute the departmental committee which was entrusted with the task of submitting proposals for examining the cadres of the persons of that department and submitting proposals for their allocation. Besides this, a number of expert committees, viz, Budget Expert Committee, Physical Assets and Liabilities Expert Committee, etc were established on the pattern of the Central Expert Committees.[6]

Reorganization of Secretariats

The Expert Committee working under the Central Steering

3. *P.P.* Vol. I, p. 33 and *P.P.* Vol. IV, p. 71
4. *P.P.* Vol. IV, p. 4
5. Ibid. p. 19
6. *D.P.P.C.*, p. 1

Committee of the Government of India had issued a directive that "every Government servant should be given the opportunity to select the Government he wishes to serve and cadres be separated accordingly.[7] In the light of the directive, it was decided by the Punjab Partition Committee to give option to every government official to express his choice whether he was to serve the West Punjab Govrnment or the East Punjab Government. It was also decided that no official was to be victimized because of thc intention expressed by him of serving a particular Government. For the reorganization of the East Punjab and the West Punjab Secretariats the Government of the Punjab appointed Mr Ram Chandra and Akhtar Hussain for reorganizing their respective Secretariats. This was done with the concurrence of the Punjab Partition Committee.[8]

Punjab University, Lahore

Since there often was a clash of interests between the representatives of the East Punjab and those of the west Punjab all the issues could not be decided amicably. One of the major points at issue was the Punjab University, Lahore. The non-Muslim members of the Partition Committee wanted the partition of the University like that of the other provincial institutions, whereas the Muslim members argued in favour of maintaining the integrity of the Univcrsity. The matter was referred to the Provincial Institutions Committee which stated that the "University being an autonomous body administered under its own Act was not at par with the Provincial institutions directly controlled by the Government." It suggested that a special committee should be appointed from the Syndiate and the Fellows of the University to consider the question.[9]

Keeping in view the recommendations of the Provincial Institution Committee, Partition Committee appointed an Expert Committee,

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7. *P.P.*, Vol. I, p. 18
8. *D.P.P.C.*, p. 9. The followlng programme was to be observed :
   (*a*) The officers to be in all offices and departments by the 25th July
   (*b*) Separation of gazetted and non-gazetted officers, office furniture, equipment including stationery, duplicating machines, typewriters, cycles etc. etc. to be completed by 20th July, 1947
   (*c*) Physical and separation of personnel, furnitures and record and other equipment to be completed by 5th August, 1947
   (*d*) Final separation of each part. Government will begin to transact business independently by August 10, 1947. Secretariat and Headquarters offices to be closed except for urgent work from 10th to 14th August, 1947 afternoon
9. *A.P.P.C.* Item No. 8, p. 28

consisting of two judges of the High Court, one Muslim and one non-Mulim (Justice M.Sharif and Justice G.D. Khosla), to study the legal implications of the Punjab University holding jurisdiction over both the parts of the Punjab or, alternatively, to suggest steps the Government might take to negotiate and give effect to the partition of the University.[10] The representatives of the West Punjab, however, argued that, before the Expert Committee dealt with the legal aspect of the problem, a reference should be made to the Central Steering Committee which worked under the Partition Council as the problem affected not only the Punjab but also Bengal[11] and, in fact, it was a problem of an all-India character. The case was, therefore, referred to the Central Steering Committee, which in reply made out a case against the partition of the University. It stated, "The Punjab University is a body corporate incorporated under Section 2(3) of the Punjab University Act, 1882, and under Section 3 thereof all the property, moveable and immoveable vests in that Corporation. The seat of the Corporation is unquestionably at Lahore. It is, therefore, the legislature having jurisdiction at Lahore, which can determine the capacity and the dissolution of the Corporation."[12] It was argued that the Punjab University was subject to the Legislative jurisdiction of the West Punjab because, according to the notional division Lahore was in that region. The example of the Bombay University was cited and it was stated that, after the separation of Sindh from the province of Bombay, the Bombay University continued to carry on its activities in the new province, such as conducting examinations and affiliating institutions in Sindh. It was held that it made no difference whether East Punjab was to be included in a State distinct from the State in which West Punjab was included as there was no bar, legal or constitutional, which procluded a corporation constituted in one State from carrying on its activities in another State just as a corporation constituted by a Statute of the United States of America might carry on its activities in India. Section 4 A of the Bombay University Act, 1928 was quoted as an instance. "The territorial limits within which the powers conferred upon the university by this Act shall be exercised, shall comprise the Bombay Presidency (excluding Aden) and such Indian States and other territories as may, from time to time, be notified by the Provincial

10. *D.P.P.C.*, Item No. 8 dated 1st July, 1947
11. *A.P.P.C.* Agenda Item No. 1 for the meeting dated July 19, 1947, p. 83
12. Ibid., p. 83

Governments in the official gazette."[13] This did not, however, authorize the University of Bombay to exercise jurssdiction in another independent state without the concurrence of that state. The example of a commercial corporation was misleading. Whatever the terms of corporarion, it could only function in another state under the laws of that independent state.

In view of the note of the Central Steering Committee, the Governor of the Punjab and the representatives of the West Punjab held that the Punjab University should not be divided, because it could exercise its jurisdiction over both the East Punjab and the West Punjab. This view was not acceptable to the representatives of the East Punjab on account of the following reasons: 1. A joint university arrangement could be made only with the mutual consent of both the provinces. It was argued that this arrangement was bound to fail. 2. Without special legislation to the contrary, the present University of the Punjab would stand dissolved on August 15, 1947, because according to the Punjab University Act of 1882, the Governor of the Punjab was to be the Chancellor of the Punjab University and the province of the Punjab, according to the Indian Independence Act, "Shall cease to exist and there shall be constituted two new provinces to be known the West Punjab and the East Punjab."[14] 3. "The assets of the Punjab University have been created by the joint efforts of the people of the entire province, who because of political developments stand divided in two. Each one of these has a legal and moral right to the property now vested in the University of the Punjab."[15] It was argued that the Punjab University Senate was the competent body to decide on the partition of the University, as according to Section 9(1) and (2) of the Act of Incorporation 1882, "the Senate consisting of the Chancellor, the Vice-Chancellor and the Fellows shall have the entire management of the superintendence over the affairs, concerns and the property of the University". The Senate had decided in favour of the division of the Pnnjab University. The case of the Punjab University was, therefore, again discussed in the meeting of the Punjab Partition Committee held on the 6th August, wherein the representatives of the West Punjab represented that "the Senate being a body

13. Ibid., p. 83
14. *A.P.P.C.*, G.C. Chatterji's note dated June 27, 1947. Agenda item No. 1 Aug. 1, 1947, p. 144
15. *A.P.P.C.*, Note of M.G. Singh, Registrar, Punjab University, Lahore, Agenda Item No. 1, p. 145.

with an effective non-Muslim majority, its decision in this important matter should not be approved by His Excellency the Governor in his capacity as Chancellor without the concurrence of the Partition Committee."[16] In the beginning, the representatives of the East Punjab were opposed to the view held by the West Punjab representatives, but subsequently they were reconciled to this decision, as it dealt with the Universities of Calcutta and Lahore in the same way.

Punjab High Court

The question of the division of the Punjab High Court, Lahore, was referred to the Central Steering Committee. In its communication, dated July 4, 1947, the Committee gave the following suggestions which were accepted by the Punjab Partition Committee :

1. The jurisdiction of the Lahore High Court should from the date of the partition be limited to the West Punjab only.
2. A separate High Court having jurisdiction over the East Punjab and the province of Delhi should be constituted.
3. Appointments to the new High Court should, as for the existing High Courts, be made by His Majesty after consulting the Central Government of the Dominion.
4. It would be necessary to give an opportunity to the judges, officers and the staff of the Lahore High Court to choose which of the two High Courts they wished to serve.
5. Both the East Punjab and the West Punjab High Courts should have their seats at Lahore and function in the buildings occupied by the Lahore High Court. This temporary arrangement should cease by the Ist March, 1948[17].

Administrative Set-up in the Disputed Districts

Regarding the posting of officers and the location of the East Punjab and the West Punjab Secretariats, Sardar Swaran Singh raised the following points in the Punjab Partition Committee meeting held on July 7 : "Some sort of agreement was necessary for the posting of officers in the districts until the declaration of the award of the Punjab Boundary Commission. It was necessary to reach an agreement on the continuance of the two sets of offices of the Governments of the West Punjab and the East Punjab at Lahore, pending the award of the Punjab Boundary Commission."[18]

On July 9, M. Mumtaz Daultana raised an issue as to what

16. *D.P.P.C.* Item No. 6 August 6, 1947, p. 53
17. *A.P.P.C.* Item No. 3, dated July 14, 1947, pp. 57-58
18. Ibid., p. 15

arrangements were to be made for the administration of disputed districts and institutions situated therein. These districts were Ferozepur, Hoshiarpur, Jullundur, Ludhiana, Gurdaspur, Lahore, Sheikhupura, Gujranwala, Amritsar, Montgomery, Lyallpur, Multan, Sialkot and Hissar.[19]

The Punjab Partition Committee refused to settle these issues. It was said that these could be decided only after the announcement of the award of the Punjab Boundary Commission. This issue was, therefore, referred to the Partition Council, where it was discussed on July 17, 1947. Sir George Abell, who had visited the Punjab in order to watch the law-and-order situation and supervise the work of the Punjab Partition Committee, was specially invited to attend this meeting. In the course of discussion, it was announced that Lord Mountbatten had expressed his desire to visit Lahore in order to study the issues for himself.[20] He, therefore, visited Lahore on the 20th July and the following decisions were taken at his instance :

1. The Government of West Punjab should prepare a paper plan to leave Lahore in case Lahore was allotted to the East Punjab. The East Punjab Government, in any case, should move to Simla. When it was told in the meeting that the Punjab Government Secretariat was to be closed on August 10, and was to reopen in two separated halves, the Viceroy suggested that the 10th August would be a suitable date for the Government of the East Punjab to start functioning in Simla.
2. The Viceroy asked the Punjab Partition Committee to continue planning on the basis of the notional division, as contained in the 3rd June Plan, and the postings should be made accordingly, except in the case of Deputy Commissioners and Superintendents of Police in the districts of Gurdaspur, Amritsar and Lahore.
3. In these three districts, there were British Deputy Commissioners and Superintendents of Police. It was agreed that they should remain in control until the 15th August. Both sides should be entitled to nominate personnel ready to take over from them. After the declaration of the Punjab Boundary Award, the personnel of the Government, not entitled by the Award, should be withdrawn.[21]

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19. Ibid.
20. *P.P.* Vol. IV Case No. PC/56/6/47-Minutes of the Partition Council's meeting held on the 17th July, pp. 186-87
21. *D.P.P.C.* pp. 35-36 and *P.P.* Vol. IV, item No. 2, Viceroy's note, p. 232

The Viceroy by his personal visit to Lahore cleared many administrative hurdles and paved the way for the smoother working of the Partition Committee. It seemed to limit the disputed area to three districts, viz., Lahore, Amritsar and Gurdaspur. This was an indication that tall claims of both sides elsewhere were likely to be rejected. In other districts, the work of transfer and posting was to continue.

Current Administration

In order to execute the decision of the Punjab Partition Committee regarding the day-to-day administration after partition, a number of orders were issued by the Governor of the Punjab under Section 9 of the Indian Independence Act. These orders were gazetted on the 13th August, 1947, and they dealt with a wide range of subjects, such as the adoption of the laws in the East Punjab and the West Punjab,[22] the division of the contracts, deeds and covenants,[23] transitory financial provisions for both the successor Governments,[24] the use of the Public Service Commission,[25] the admission of students belonging to other provinces in the Government training, research and educational institutions, the payment of the salaries of civil officials[26] who were to continue their services in either of the newly created provinces. An order was separately issued for the operation of the Mandi Hydro-Electric Scheme by which the supply of electricity was to continue as on the 15th August till the 15th November, 1947, and all expenditure was to be pooled together for the adjustment between the East Punjab and the West Punjab.[27]

Since some of the very important items of financial adjustment could not be settled before the 15th August, 1947, the Governor-General prolonged the life of the Punjab Partition Committee by issuing the Indian Independence Partition Council Order on August 12, 1947. According to this order, the following procedure was to be followed :

1. The representatives of the Partition Committee were to be

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22. The Punjab Partition (Adaptation of Laws) Order 1947
23. The Punjab Partition (Contract) Order 1947
24. The Punjab Partition (Transitory Financial Provisions) Order, 1947
25. The Punjab Partition (Public Service Commission) Order, 1947
26. The Punjab Partition (Training Research & Educational Institution) Order, 1947
27. The Punjab Partition (Mandi Hydro Electric System Operation) Order 1947. All these orders were published in an Extraordinary Issue of the Punjab Government Gazette dated August 13, 1947

nominated by the Governor of the Province concerned. Different persons could be nominated for different meetings.

2. The meetings of the Partition Committee were to be held alternately in the capital towns of the two provinces.
3. The Governor of that province in which the meeting was to be held to act as Chairman of the Partition Committee.[28]

The Arbitral Tribunal

In order to settle the disputed issues which various provincial partition committees could not decide, the Governor-General established an Arbitral Tribunal. Sir Patrick, Spens, who was the Chief Justice of the Federal Court, was appointed its Chairman.[29] The Arbitral Tribunal Order was issued on August 12, 1947. Justice Kania and Justice Mohammad Ismail were appointed representing India and Pakistan respectively.[30] According to section 4(1) of the Arbitral Tribunal Order, the Tribunal was to decide cases referred to it before December 1, 1947, or with the permission of the Chairman before January 1, 1948.

The following decisions were made by the Partition Council regarding the Arbitral Tribunal :

1. The Tribunal was to be located at Delhi or could shift its office elsewhere with the concurrence of both the Governments.
2. The Tribunal could appoint its own staff.
3. The parties on either side of the case would be represented by their counsel.
4. The target date for the completion of the work of the Tribunal was fixed for March 31, 1948.[31]

The Punjab Partition Committee referred to the Arbitral Tribunal thirtythree cases in all—seven eases were referred to earlier and the twenty-six later.[32] Besides these cases, the Arbitral Tribunal had to consider a number of orders issued by the Governor of the

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28. *Indian Independence Partition Council Order* S.D.I.C. Vol. II, pp. 702-3 During the post-partition period, the Punjab Partition Committee has been meeting and discussing outstanding issues
29. *P.P.* Vol. IV, Case No. PC/55/6/47, p. 186
30. *S.D.I.C.* Vol. II, Foot note, p. 703
31. *P.P.* Vol. IV, p. 186, Case No. PC/55/6/47
32. "Arbitral Tribunal in India" by Lord Spens, *Problems of Public and Private International Law*, Longman Green & Co., London 1951, p. 67

Punjab under Section 9 of the Indian Independence Act. Similar orders had not been issued by the Governor of Bengal or of Assam. In these orders, certain assets and liabilities were apportioned or dealt with not provisionally, as the Governor-General's Right of Properties Order indicated, but on a permanent basis. For instance, the Punjab Partition (Training Research and Educational Institutions) Order, 1947, issued by the Governor laid down a procedure for the sharing of educational or training establishments by the two new provinces. It necessarily required modification, as willingness to share these institutions had disappeared. According to Sir Patrick (later Lord Spens), the Tribunal had the legal powers to override the provisions of these orders. But in the circumstances and particularly keeping in view the fact that these orders had been in operation for several months, when the Tribunal dealt with them, the Tribunal adopted the decisions or principles implied in these orders.[33]

The Arbitral Tribunal decided the following important cases relating to the Punjab.

Division of Assets and Liabilities

The apportionment of the assets and liabilities to the West Punjab and the East Punjab proved to be one of the most complicated problems. In the case of Bengal, the parties had agreed that population alone should be the basis of the ratio for the apportionment of assets and liabilities. Since both the East Punjab Government and the West Punjab Government had vital differences, the case was referred to the Arbitral Tribunal where both the parties argued their cases. The representatives of the West Punjab argued that each part should get a share equal to its respective contributions to the general revenue. They argued that the East Punjab got only thirty-eight per eent of the area and contributed only thirty-one per cent to the general revenue of the united Punjab and, hence, the East Punjab was only entitled to thirty-one per cent of the assets. The representatives of the East Punjab contended that every citizen of the State should have the right to claim an equal share of the assets of the motherland and the ratio for the division of the assets should be based on the respective population of their parent province in the ratio of 44·4 and 55·6 per cent respectively, which should be made the basis for the division of the assets.[34] As regards

33. Ibid., p. 66
34. *East Punjab Legislative Assembly Debates Vol. I*, p. 9

liabilities, it was decided that the same ratio should be applied to them as to the assets. The following award was given by the Arbitral Tribunal. "The Tribunal considered that there was no reason to adopt exclusively either of these contended for by the parties, but preferred to adopt figures based on average of figures for the population, the area and the contribution to revenue after such figures had been adjusted in view of the final boundary award. The Tribunal, accordingly, awards that assets and liabilities of the old united Punjab shall be adjusted for purpose of financial settlement in the ratio of 60 per cent for the West Punjab and 40 per cent for the East Punjab".[35]

Financial Adjustment of the Irrigation System

There arose various differences regarding the evaluation of irrigation systems and financial adjustments regarding the profits gained from them. The West Punjab Government argued that there were adjustments of specific loans attributable to particular assets and hence the payment of loans would be the liability of the West Punjab Government against those assets. It was asserted that the capitalization of profit was not only improper but irrelevant, according to paragraph 38 of the Report of the Amery Tribunal which was appointed on the separation of Burma from India. The East Punjab Government, on the other hand, contended that the East Punjab was entitled to the financial adjustments on the basis of the capitalized profit from the irrigation system of the united Punjab, because the Punjab Government authorized and operated its irrigation system for commercial considerations. The cost of construction of the system was agreed to be Rs. 415,619,000. It was argued that over a series of years, this investment had brought in a steady return of income varying from Rs 49,585.346 in 1936-37 to Rs. 66,305,466 in 1943-44.[36] In this way, the public money spent on the irrigation system of the Punjab had been a lucrative investment and the system was a valuable asset of the united Punjab. Since the matter could not be decided, it was referred to the Arbitral Tribunal on the 30th November, 1947, and argued on the 4th February, 1948. The East Punjab Government was represented by Mr Harnam Singh, Mr G.N. Joshi and Mr Gurdev Singh, and the West Punjab Government by Mr Saleem and Mr Mansur

35. *A.A.T.* Reference No. 6, p. 13
36. Of this the portion of the West Punjab amounted to Rs. 329,136,000 and that of the East Punjab amounted to Rs. 86,543,000
Ibid. Reference No. 1, p. 2

Qadir. The Chairman of the Arbitral Tribunal gave the following award :

"Twice the book value of the irrigation system as a whole shall be taken as a value of the system and shall be apportioned between the West Punjab and the East Punjab in the general ratio (viz. 60:40). Each province shall bring into account the portion of the system lying within its area taken at twice its book value."[37]

Unrealized Balances

The issue of unrealized balances in respect of the Crown—land proved to be another bone of contention. On account of the difference of opinion, the members of the Committee could not agree on the basic issues involved. The Muslim members (Mr H.A. Majid and Mr Abdul Hamid Butt) argued : "When a purchaser of agricultural land in the canal colony elects to pay the 50% balance of the purchase money, he is put in possession in the capacity of a tenant, so that the land continues to be owned by the State. The result is that the land concerned will be the property of the State and not of the purchasers. The amounts previously deposited may be shared between the two provinces. Land is a natural asset and, if future recoveries of sale prices were claimed as divisible, it would be possible to extend the principle on contracts for quarrying mines which would yield royalties and rent for all years to come."[38]

The non-Muslim members (Mr K.S. Malhotra and Mr Ram Chandra) contended : "The unrealized balance is an asset of the Punjab and the East Punjab is entitled to a share in it as in other assets. The deposit originally made by the purchaser was credited to extraordinary receipts and became a part of the general balance that will be divided between the two new provinces. Similarly, the balance of the purchase amount when recovered should be shared by the East Punjab and the West Punjab The East Punjab has claimed its share of large amounts of unrealized balances which are due to the Government of the Punjab on account of the land sold outright or allotted to grantees before the 14th August, 1947. Since all such transactions were contracted by the Government of the Punjab before partition, the claim of the East Punjab is just and equitable ..... In fact, the amounts not paid are in the nature of advances to purchasers or grantees of land on which interest is also charged but for

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37. Ibid. Reference No. 1, p. 6.

38. *A.P.P.C.* Para 4 of Item No. 6, dated 9th August, 1947,

purpose of adjustment, the amount of sale proceeds, exclusive of interest only should be taken into account."[39]

The case of unrealized balances in respect of the crown—land was discussed in the Punjab Partition Committee meeting on the 8th August and it was decided to refer this case to the Arbitral Tribunal.[40] A reference was accordingly made on the 30th of November, 1947, and the Chairman of the Tribunal gave the following award: "That an appreciated value of Rs. 100 per acre of the Crown—wastelands, subject to long leases and temporary cultivation and of Rs. 50 per acre of the 767,103 acres shall be deemed to be the amount of appreciation on the appointed day due to the advent of canal irrigation and the total amount, so calculated, shall be apportioned between the two general ratios taken into account in financial settlement accordingly."[41]

Seigniorage Charges

The States of Bikaner, Patiala, Nabha and Jind used to pay seigniorage charges to the Punjab Government for the supply of water.[42] Since these States were geographically on the side of the East Punjab, the West Punjab claimed a portion of the seigniorage charges to be enjoyed by the East Punjab after the partition on the following agreements of the united Punjab Government.

1. *Chagger Agreement* with the Government of Bikaner for the supply of water from the Chagger River and the Otu reservoir.
2. *Sutlej Agreement* with the Government of Patiala, Nabha, Jind for the supply of water from the Sirhind Canal. These States contributed to the cost of headworks, the main line and the Patiala Feeder.
3. *The Sutlej Valley Project Agreement* of 1919 with the Government of Bahawalpur and Bikaner. This agreement allocated to the partner Governments entire supplies as were surpuls to the requirements of irrigation upstream of Ferozepur.

The East Punjab agreed to share the seigniorage with the West

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39. *A.P,P.C.* Note of Agenda Item No 6 dated 9th August, 1947.
40. *D.P.P.C.*, p. 62.
41. *A A.T.* Reference No 3 p. 6.
42. Following amounts were received every year: (*i*) Rs. 161000 under Agreement with Patiala, Nabha and Jind. (*ii*) Rs. 200,000 under Agreement with Bikaner.
Ibid., pp. 11 and 12.

Punjab. But there arose difference in the method of payment. The West Punjab suggested that its share should be paid over year by year in a fixed proportion. The East Pubjab suggested that these sums should be capitalized. The matter was, therefore, referred to the Arbitral Tribunal which gave the following award in favour of capitalization, stating that "sums received for seigniorage charges shall be capitalized on the basis of twenty years purchase and the total sum of Rs. 7,220,000 shall be apportioned in general financial settlement between the East and the West Punjab according to the general ratio,"[43]

The representatives of the East Punjab and the West Punjab could not agree on the issue of financial adjustment regarding the irrigated forest plantations. More than 80,000 acres were under *shisham* and mulberry plantation in Chhanga Manga, Chicha Wanti, Khanewal, Daphar, Arifwala, and Miranpur. All were situated in the West Punjab. The East Punjab wanted financial adjustments between the East Punjab and the West Punjab on account of these irrigated forest plantations, to which the West Punjab did not agree. This matter was, therefore, referred to the Arbitral Tribunal and its Chairman gave the following award : "The portion of the appreciated value on the appointed day of the two areas of 10,864 acres and 11,657 acres recently transferred to the Forest Department due to irrigation shall be taken at Rs. 60 per acre and the portion of the appreciated value on the appointed day of the remaining 59,533 acres due to irrigation shall be taken at Rs. 75 per acre. The total figure, so calculated, shall be apportioned between the two Provinces according to the general ratio and brought into the general financial settlement."[44]

Estimate of the Work

The Punjab Partition Committee had to accomplish the huge task of partitioning the administrative machinery within a few months. For the speedy settlement of all complicated issues, considerable credit goes to the Governor of the Punjab, Sir Evan Jenkins, who himself looked into the minute details of the issues involved as is clear from the proceedings of the Punjab Partition Committee. But for the prompt action and decision on certain vital issues by Lord Mountbatten the Punjab Partition Committee could not have worked smoothly. The systematic handling of every problem first by the

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43. Ibid., pp. 11 and 12.
44. Ibid.,p. 7.

Departmental Committee or Expert Committee, then by the Steering Committee and finally by the Partition Committee solved most of the problems. Before the 15th August, 1947 only two major problems—the Punjab University and the posting of officers in the disputed districts—were referred to the Central Partition Council. The cases in which differences were substantial or vital on account of a clash of interests were subsequently referred to the Arbitral Tribunal by the 31st December, 1947, and the Arbitral Tribunal decided all those cases by the 31st March, 1948. It was mainly due to the efficiency of the partition machinery that the East Punjab and the West Punjab were partitioned within such a short time. A striking comparison by Lord Mountbatten himself gives an idea of the speed with which partition was carried out. It had taken three years to separate Burma from India, two years to separate the province of Sindh from Bombay and two years to separate the province of Orissa from Bihar. The division of India, one of the biggest countries in the world was accomplished in two months and a half.[45]

APPENDIX TO CHAPTER IV

The Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947

Whereas the Punjab Province is to be divided into two new Provinces to be known as West Punjab and East Punjab respectively in accordance with Section 4 of the Indian Independence Act (10 and 11 Geo. 6, Ch. 30) ;

And whereas it is necessary to make provision for the apportionment of certain assets and liabilities of the Punjab Province between the two new Provinces ;

Now, therefore, in exercise of the powers conferred by clause (*b*) of subsection (1) read with subsection (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :

1. This Order may be called the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947.

2. In this Order, unless the context otherwise requires—

(*a*) "the appointed day" means the fifteenth day of August, nineteen hundred and forty-seven ;

(*b*) "new Province" means West Punjab or East Punjab or both West Punjab and East Punjab, as the context may require.

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45. Andrew Mellor, *India Since Partition*, London, 1951, p. 39.

3. In relation to the under-mentioned items of property, namely :—

(*i*) Crown-wastelands ;

(*ii*) land under irrigated plantations under the control of the Forest Department ;

(*iii*) bins and sheds used for the storage of foodgrains held on Government account ;

(*iv*) Seigniorage charges levied by the Punjab Province from the States of Bikaner, Patiala, Nabha and Jind, on account of canal water ; and

(*v*) canals owned by the Punjab Province ;

the respective rights and liabilities of the two new Provinces shall be referred for determination to the arbitral body to which disputes between the Dominions of India and Pakistan are to be referred for arbitration.

4. (1) In relation to unissued stores and all such assets as are immediately moveable, or which can be moved without major structural alteration of immoveable assets, wherever they may be situated on the appointed day, either of the new Provinces may present to the other new Province, on or before the 15th September, 1947, a claim that physical apportionment should be made of any specified asset or assets, between the two new Provinces.

(2) Where the asset or assets in question are such that physical apportionment is not possible without detailed technical enquiry, each new Province shall nominate a representative, and the two representatives together with a third person acceptable to both parties, who shall be nominated as Chairman by both the new Provinces, shall form a Committee of Enquiry.

(3) The Committee shall enquire and report with all possible speed as to the feasibility of physical apportionment of the asset or assets in question, and in making its report, the Committee shall take particular account of the following factors, namely :—

(*a*) in the case of machinery or equipment (*i*) the capacity required by the new Provinces for direct Government work, such as the maintenance of Public Works required by the new Provinces, and the execution of projects over a period of five years, regard being had to other Government capacity available in the new Provinces ; and (*ii*) the capacity surplus to (*i*) ;

(*b*) in the case of assets to which (*a*) cannot conveniently be applied, the direct needs of each new Province and the sources

from which such needs can be met other than the asset or assets in question ;

(*c*) the importance to both Provinces of economy and (in appropriate cases) in balanced working ;

(*d*) the time and expenditure likely to be required to bring any assets that may be moved into effective use ;

(*e*) the time and expenditure likely to be required to buy and bring into effective use similar assets from elsewhere ;

(*f*) the time and expenditure likely to be required for any rearrangements in the Province in possession : and

(*g*) the disadvantages which will be suffered by the Province in possession, including loss and damage arising directly from the removal of the assets, the time and expenditure required for essential rearrangements, and general loss of efficiency.

(4) The report shall be submitted to the Government of the two new Provinces with all possible speed, and if they do not accept it, and no other agreed settlement is reached on the matter in dispute, it shall be referred to arbitration in the manner provided in clause 3.

(5) Where the asset or assets admit of apportionment without detailed technical enquiry, the provisions of sub-clauses (3) and (4) shall not apply, and the apportionmcnt shall be effected in accordance with such agreement as may be arrived at between the two new Provinces, or if there is no such agreement by arbitration in the manner provided in clause 3.

5. (1) In order to provide financial resources to the two new Provinces sufficient to meet their immediate need on and after the appointed day, the Provincial Cash Balance as it stands on the appointed day shall be divided between the two new Provinces, so that the share of West Punjab shall be two-fifths, and the share of East Punjab, three-fifths thereof.

(2) The securities specified in column 2 of the second Schedule hereto annexed, of the aggregate face value of rupees ten crores shall be allocated to West Punjab and East Punjab, as provided in columns 4 and 5 respectively, of the said Schedule but account shall be taken of such apportionments in the general financial settlement made under clause 6, and the remaining securities shall be retained by the Reserve Bank of India in trust for the two new Provinces and shall not be endorsed or negotiated otherwise than as part of the said general financial settlement.

6. (1) There shall be a general financial settlement between the two new Provinces, and such settlement shall relate to and include all the assets and liabilities of the Punjab Province, as they stand immediately before the appointed day, excepting assets and liabilities for the apportionment of which express provision is made by any clause other than clauses 3, 4 and 5 of this Order ;

Provided that in taking account of the value of the assets of the Punjab Province, the value of the following items shall be excluded from consideration, namely :—

(*a*) forests (subject to any award of the arbitral body under clause 3(*ii*) ;

(*b*) roads ;

(*c*) contents of buildings other than buildings specified in the First Schedule hereto annexed ;

Provided further that any award of the arbitral body given under clause 3 or clause 4, any allocation of financial liability by agreement between the two new Provinces, and any physical apportionment effected under clause 4, shall be taken into account in making the general financial settlement.

(2) The general financial settlement shall be made by agreement between the two new Provinces, or, failing agreement, by arbitration in the manner provided in clause 3.

7. Subject to the provisions of clause 6, all lands, works, forests, roads, buildings and all moveable property of every type including foodgrains held on Government account, but not including any unissued stores, contents of buildings, or other assets in respect of which a claim for apportionment has been or may be made under clause 4, being the property of the Punjab Province immediately before the appointed day, shall on and after the appointed day, be the property of that new Province in whose territory they are situated on the appointed day.

8. The balance in the State Provident Funds Account shall be divided between the two new Provinces in such manner that the amount held in respect of any employee of the Punjab Province, shall be transferred to that one of the new Provinces in or under which he is serving on and after the appointed day ;

Provided that if such employee is serving in one of the new Provinces as a lent official, such amount shall be transferred to the other new Province.

9. The balance of Local Funds Deposits shall be divided between the two new Provinces, so that the sum held in deposit on

account of any local authority shall be transferred to that one of the new Provinces in the territory of which such local authority is situated.

10. The balance on account of Civil Deposits shall be divided, so that each new Province shall take the amount deposited in any treasury or Court or other office situated within its territory.

11. The balance in the Harijan Welfare Fund shall be divided between the two new Provinces as nearly as may be in the proportion of their respective Schedule Caste populations, as determined at rhe Census of 1941.

12. The balance in the Motor Transport Reserve Fund shall be divided between the two new Provinces in the same proportion as the Motor Vehicles owned by the Punjab Province are divided between them.

13. In relation to the Depreciation Reserve Funds, maintained for the following undertakings owned and operated by the Punjab Province, namely (*a*) Electricity Undertakings (*b*) Motor Transport Undertakings, (*c*) Printing Presses and (*d*) the Jallo Rosin Factory, the balance held in respect of each such Undertaking shall be deducted from the book value of such Undertaking, and the diminished value so obtained shall be the value to be placed upon such Undertaking in the computation of the aggregate value of the physical assets of the Punjab Province. The balance of such Funds shall be included in the cash balance to be apportioned between the two new Provinces under clause 6.

THE FIRST SCHEDULE

I. Industries Department

1. Tanning Institute, Jullundur
2. Hosiery School, Ludhiana
3. Punjab Institute of Textile Technology, Amritsar
4. Mayo School of Arts, Lahore
5. Industrial Research Laboratory, Lahore
6. Government Institute of Dyeing and Calico Printing, Shahdara
7. Government Weaving and Demonstration Factory, Shahdara
8. Surgical Instruments Centre, Sialkot

II. Forest Department

9. Forest School, Ghoragali
10. Jallo Rosin and Turpentine Factory, Jallo

III. Veterinary Department

11. Live Stock Farm, Hissar
12. Punjab Veterinary College, Lahore

IV. Medical Department

13. Glancy Medical College, Amritsar
14. Victoria Jubilee Hospital, Amritsar
15. King Edward Medical College, Lahore
16. Punjab Mental Hospital, Lahore
17. Chemical Examiner's Laboratory, Lahore
18. Provincial Bacteriological Laboratory, Lahore
19. Mayo Hospital, Lahore
20. Lady Willingdon Hospital, Lahore
21. Punjab Dental Hospital, Lahore

V. Jails Department

22. Central Jail, Lahore
23. Borstal Institution, Lahore
24. Women's Jail, Lahore
25. New Central Jail, Lahore
26. Old Central Jail, Lahore
27. Central Jail, Montgomery

VI. Education Department

28. Central Training College, Lahore
29. Government College, Lahore
30. Lady Maclagan Training College, Lahore
31. Queen Mary's Women College, Lahore
32. Lawrence School and College, Ghoragali

VII. Agriculture Department

33. Punjab Agricultural College and Research Institute, Lyallpur

VIII. Public Health Department

34. Vaccine Institute, Murree
35. Vaccine Institute, Lahore
36. Punjab Epidemiological Bureau, King-Edward Medical College, Lahore

IX. Public Works Department

37. Government School of Engineering, Punjab, Rasul

38. Punjab College of Engineering and Technology, Lahore
39. Soil Research Laboratory, Lahore

X. Printing Department

40. Government Printing Press

THE SECOND SCHEDULE

Statement showing the distribution of certain Government of India Securities held by the Punjab Government between the West Punjab and East Punjab

S. No.	*Particulars of securities*	*Face value of securities*	*(36%) East's share*	*(64%) West's share*
		Rs.	Rs.	Rs.
1.	3% Loan, 1953-55	2,96,44,000	1,06,71,840	1,89,72 160
2.	3% Loan, 1957	1,99,38,000	71,77,680	1,27,60,320
3.	3% Loan, 1959-61	2,00,00,000	72,00,000	1,28 00,000
4.	3% Loan, 1963-65	2,35,00,000	84,60,000	1,50,40,000
5.	3% Loan, 1966-68	69,18,000	24,90,480	44,27,520
	Total :	10,00,00,000	3,60,00,000	6,40,00,000

CHAPTER V

PUNJAB BOUNDARY COMMISSION

The 3rd June Plan suggested a notional division of the Punjab, which had been included in the Indian Independence Act, 1947. It was stated that the "districts specified in the second schedule of this Act shall be treated as the territories to be comprised in the new Province of the West Punjab and the remainder of the territories comprised in the new Province of the East Punjab." But the notional division, as the very name indicated, could last only for a short period and was to be replaced by the Punjab Boundary Commission Award. It has been stated in the 3rd June Plan that notional division was "only a preliminary step of a purely temporary nature as it is evident that for the purpose of a final partition of these Provinces (Assam, Bengal and the Pubjab) a detailed investigation of boundary questions will be needed. As soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and the terms of reference of which will be settled in consultation with those concerned."[1]

Appointment of the Boundary Commission

The first and foremost work connected with the Boundary Commission was the appointment of its chairman. Mr. Jinnah suggested Sir Cyril Radcliffe, the Vice Chairman of the General Council of the English Bar to be the Chairman of the Boundary Commission of Assam—Bengal and the Punjab.[2] The Secretary of State for India confirmed the choice of Sir Cyril Radcliffe whom he described as "a man with high integrity, legal reputation and wide experience."[3] The formal proposal for the appointment of Sir Cyril Radcliffe (later on Lord Radcliffe) was, however, made by Lord Mountbatten in the form of a note, dated the 26th June which was accepted unanimously in the first meeting of the Partition Council on the 27th June, 1947.[4] The previous decision that the members of

1. *P.P.* Vol. VI, (Para No. 9 of the 3rd June Plan), p. 2.
2. Alan Campbell Johnson, *Mission with Mountbatten*, London, 1957, p. 124.
3. *P.P.* Vol. VI, Governor General's Note dated 26th June, p. 6
4 *P.P.* Vol. VI, case No QC/2/1/47, p. 7

the Boundary Commission were to elect their own Chairman was modified on the ground that the appointment of a European Chairman would expedite the work which was to be finished by August 15.[5]

According to the announcement of the Governor-General on the 30th June the following were appointed members of the Punjab Boundary Commission :

1. Mr. Justice Din Muhammad
2. Mr. Justice Muhammad Munir
3. Mr. Justice Mehar Chand Mahajan
4. Mr. Justice Teja Singh[6]

The Punjab Boundary Commission had just started its work when a significant change occurred in the structure of the Commission. An amendment was introduced in the Indian Independence Bill signifying that "In Section 4 the expression 'award' means in relation to the Boundary Commission the decision of the Chairman of the Commission, contained in his report to the Governor-General at the conclusion of the Commission proceedings."[7] But for his amendment, the Commission could not have worked smoothly, because the Muslim members and the non-Muslim members, even though they had been selected from among the judges of the High Court, were likely to be equally divided on account of the clash of their communal interests. The chances of any compromise were remote ; first, because members had no authority to promote any bargaining between the two sides likely to affect a settlement, secondly because the political atmosphere was too vitiated for any compromise settlement. It cannot, however, be denied that this amendment, as a whole, finally reduced any chances to a settlement by the Commission, and practically reduced the Commission to a one-man body.

Its terms of reference were thus defined : "The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of the Muslims and the non-Muslims. In doing so it will also take into account other factors."[8]

The notional division of the Punjab, as incorporated in the Indian Independence Act 1947, had been based on the district boundaries and not on the *Doabs* or the geographical divisions marked by the rivers of the Punjab. The rivers in the Punjab did

5. Ibid, p. 6, Governor General's note dated 26th June, 1947
6. The Gazette of India Extraordinary Notification dated June 30, 1947, Ibid, p. 8
7. *Hansard*, Vol No. 440, p. 76
8. *P.P.*, Vol. VI, The Gazette of India Extraordinary, June 30, 1947, p. 8

not fulfil the requisite conditions to form the boundaries of two distinct States. The "only type of river really satisfactory as a boundary is one flowing through a deep rock-walled canyon or possibly through extensive marshes with fairly constant volume of water, without shifts of course, with few crossing-places, useless for navigation or rafting, irrigation or hydro-elective power."[9]

Statement of the Case

According to the notional division of the Punjab, the following districts had been included in the West Punjab :—Rawalpindi, Attock, Gujarat, Jhelum, Mianwali, Muzafargarh, Shahpur, Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot,. All the remaining districts of the united Punjab, viz. Rohtak, Gurgaon, Hissar, Karnal, Ambala, Simla, Ferozespur, Ludhiana, Jullundur, Hoshiarpur, Amritsar, and Kangra were included in the East Punjab.[10]

Following the district pattern for the division of the Punjab, there was no dispute regarding overwhelming Muslim majority districts in the north-west on the western side ; such districts were Rawalpindi, Attock, Gujrat, Jhelum, Muzafargarh, Mianwali, Shahpur, Dehra Ghazi Khan, Multan Jhang and Sialkot, or overwhelming Hindu majority districts on the eastern side Rohtak, Gurgaon, Hissar, Karnal, Ambala, Simla, Kangra and Ludhiana. The Central Punjab constituted this disputed territory and the most contested area consisted of the following districts or some portion thereof : Sheikhpura, Lahore, Montgomery, Lyallpur, Gurdaspur, Gujranwala, Amritsar, Jullunder, Hoshipur and Ferozepur. However, for the purpose of administration and posting of officers, the representatives of the East Funjab and the West Punjab in the Punjab Partition Committee had decided the following fourteen districts as disputed districts : Ferozepur, Hoshiarpur, Jullunder, Ludhiana, Gurdaspur, Lahore, Sheikhupura, Gujranwala, Amritsar, Montgomery, Lyallpur, Multan, Hissar and Sialkot.[11]

Procedure Followed

The Commission followed a judicial procedure. Its first meeting was held on the 14th July under the Chairmanship of Sir

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9. 'The Partition of the Punjab and Bengal', O.H.K. Spate, *The Geographical Journal of Royal Geographical Society,* London, April 1948, p. 302
10. *Schedule Second of Indian Independence Act 1947*
11. *D.P.P.C.* Item No. 1, p. 13

Cyril Radcliffe and it was announced that all interested parties should submit their memoranda to the Commission by the 18th July. Sir Cyril had planned to attend the meetings of the Bengal Boundary Commission first and he proposed that Justice Din Mohammed and Justice Mehar Chand Mahajan should preside over the meetings of the Commission alternately in his absence. But Justice Mehar Chand Mahajan refused to be a party to this 'communal settlement' and suggested that Justice Din Mohammad should preside in the absence of the Chairman of the Commission as he was the seniormost members of the Commission.[12] The Punjab Boundary Commission held public sittings from the 21st July to the 31st July 1947 wherein eminent lawyers pleaded their cases. Mr. Mohammad Zafar Ullah Khan, Mr. Seetalvad and Mr. Harnam Singh appeared before the Commission in order to argue the case on behalf of the Muslim League, the Congress and the Shiromani Akali Dal respectively. Dr. O.H.K. Spate, Lecturer in Geography, School of Economics, London, was invited by the Ahmadya Community of Punjab to plead their case before the Punjab Boundary Commission and he appeared before the Commission to support their case.

The Muslim Case

The counsel for the Muslims advocated that the boundary line to be drawn between the East Punjab and the West Punjab should be drawn near about the Sutlej. The core of their claim rested on the population majority in the disputed areas and it was asserted that the population majority was the major test to be taken into consideration while determining the boundary. It was argued that the major political parties in India had agreed on the partition of provinces on the basis of "contiguous Muslim majority areas" because this basis was included in the 3rd June Plan itself. On this basis, it was argued that the disputed districts of Lahore, Gujranwala, Sialkot, Sheikhupura, Lyallpur, Montgomery and Multan could not either in whole or in part be taken away from the West Punjab because these districts were Muslim-majority areas with the following percentages of Muslim population :

12. Mehar Chand Mahajan, *Looking Back*, p. 112

Name of District	*Name of Tehsil*	*Percentage of Muslims*
Lahore District		60·6%
	Lahore	60·05%
	Chunia	60·99%
	Kasur	57·02%
Gujranwala District		70·04%
	Gujranwala	61·03%
	Wazirabad	76·07%
	Hafizabad	82·09%
Sialkot District		62·00%
	Sialkot	61·04%
	Pasrur	66·02%
	Narowal	54·09%
	Daska	66·09%
Sheikhupura District		63·06%
	Sheikhupura	53·05%
	Nankana Sahib	74·03%
	Shahdra	69·01%
Lyallpur District		62·08%
	Lyallpur	54·05%
	Samundri	72·03%
	Toba Tek Singh	68·04%
	Jaranwala	57·01%
Montgomery District		69·01%
	Montgomery	67·06%
	Okara	69·05%
	Dipalpur	76·07%
	Pakpattan	64·05%
Multan District		78 00%[13]

Besides, the following tehsils from the non-Muslim majority districts, which according to the notional division were in the East Punjab, were demanded for the West Punjab on account of the Muslim-majority of population :—

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13. *P.P.* Vol. VI. Report of Justice Din Mohammad, pp. 231-243

	Percentage of Muslims
Ferozepur Tehsil (Dist. Ferozepur)	55·02%
Zira Tehsil (Dist Ferozepur)	65·02%
Nakodar Tehsil (Dist. Jullundur)	59·04%
Jullundur Tehsil (Dist. Jullundur)	51·01%
Ajnala Tehsil (Dist. Amritsar)	59·04%

Great emphasis was laid on the population factor and it was argued that the district of Gurdaspur should belong to the West Punjab as had been done in the notional division on account of the majority of the Muslim population :—

District Gurdaspur	50 04%
Batala	55·06%
Shakargarh	51·03%
Gurdaspur	51·01%
Pathankot	38·08%[14]

In this case, there would have been no straight line demarcating the boundary between the East Punjab and the West Punjab and there would have been numerous pockets created in the East Punjab. Amritsar would have been left an island surrounded by Pakistan territory which would have created numerous administrative and international problems. Moreover, such demarcation would have done grave injustice to the other parties, as in that case only the population factor would have been taken into account and not the other factors mentioned in the terms of reference.

Non-Muslim Case

In his report, Justice Mehr Chand Mahajan recommended that the boundary line should be near the Ravi including Lahore in the East Punjab and Justice Teja Singh advocated that the boundary line should be near the Chenab, including parts of the districts of Sheikhupura and Gujranwala, Montgomery and Lyallpur in the East Punjab. The Hindu-Sikh case rested on the economic conditions as the non-Muslim had played a major part in the development of the Central Punjab. The Bari Doab and more particularly the districts of Gurdaspur, Amritsar and Lahore had been described by historians and settlement officers as the "home land of the Sikhs' who owned more than two-thirds of the area and paid more than

14. *Idem*

two-thirds of the land revenue of this tract.[15] This Sikh peasant proprietors' tract had been developed as a single unit along the Upper Bari Doab Canal which had been dug, it was ingeneously claimed, to resettle the disbanded Sikh soldiers after the Anglo-Sikh Wars. The districts of Lyallpur and Montgomery had been colonized by the sturdy Sikh Jats of Ambala, Jullundur and Amritsar districts. In a tract known as *Shahidi-Bar*, comprising a part of the districts of Gujranwala, Sheikhupura and Lyallpur was mostly owned by the Sikh peasants who paid more than twice the land revenue paid by the Muslims.[16] Historically, this was the most important tract for the Sikhs as one of their most sacred shrines, Nanakana Sahib, was situated in it.

The Hindus and the Sikhs had played a major role in the development of industry, commerce and trade of Lahore, the metropolis of the Punjab. More than 75 per cent of commerce, banks and commercial institutions were in the hands of the non-Muslims. The survey of Lahore carried out by the Punjab Government Board of Economic Enquiry indicated that 80 per cent registered factories in Lahore belonged to the non-Muslims. Of the total capital investment in Lahore, *viz.* Rs. 6.29 crores, the non-Muslim's share was Rs. 5.12 crores. Of the 90 bank branches, only 3 belonged to the Muslims. Of the 80 offices of insurance companies, only two belonged to the Muslims. Of the 36th High Schools only four were run by the Muslims.[17]

It was argued that about one-third of the Muslim population was not rooted in the soil and was essentially of a floating character, consisting of *faqirs*, weavers, herdsmen, cobblers, potters, carpenters, oilmen, bards, barbers, blacksmiths, washermen, butchers and *mirasis*. According to the Census Report of 1931, out of the total Muslim population of 14,929,896, this class of persons numbered about 45 per cent and were divided as under :—

Faqirs	...	...	256,533
Jullaha (weavers)	...	...	512,579
Cobblers	...	...	464,218

15. *P.P.* Vol. VI, p. 176. The total revenue of these districts was Rs. 55,23,439. The Sikhs paid Rs. 32,31,951 and Muslims Rs. 15,88,293 and others Rs. 7,02,555. The total acreage cultivated was 37,55,127 acres. Sikhs owned 20.12.783, Muslims 124804 acres and rest by others. Report of Justice Mehar Chand Mahajan.
16. *Idem.*
17. Harnam Singh, *Sikh Memorandum to the Punjab Boundary Commission*, pp. 60-61

Kumhars (potters)	...	...	423,617
Mussalis (Chamar converts)		...	412,300
Carpenters	...	...	346,948
Oilmen	...	...	344,927
Bards	...	...	244,320
Barbers	...	...	196,104
Blacksmiths	...	...	241,972
Washermen	...	...	162 224
Butchers	...	...	127,198
Mirasis	...	...	243,330
Herdsmen	...	...	421,347[18]

In case the line of argument followed by the Hindu and Sikh members was accepted, the main consideration would have been economic factors rather than the population factor. It would have been contrary to the spirit and terms of the settlement arrived at between the two major political parties—the Congress and the Muslim League, *viz.* partitioning on the basis of contiguous Muslim-majority areas. Justice Din Mohammad asserted that the terms of reference followed the settled course decided by the major political parties, so much so that the terms of reference were even included in the 3rd June Plan in para No. 9 and to hold otherwise would shake the very foundation of the settlement.[19]

Terms of Reference

The terms of reference were very vague and, at places, inaccurate pharaseology had been used, and i raised much controversy. The use of the word "democrate" in the terms of reference, it was claimed, was not only inaccurate but misleading also. It suggested, it was asserted, surveying a line with theodolites and putting in concrete posts, whereas the real object of the Commission was to define the areas and fix the boundary line. Mr Setalvad, while arguing his case, read the meaning of "contiguity" from Murry's *Oxford Dictionary* Vol. II and urged that the principal meaning of contiguity implied "actual contact in loose use of the term and it was not essential ; mere close proximity without actual contact would be enough." On the other hand, it was argued that

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18. *Census Report, Punjab 1931* Table XVII, Race, Tribe or Caste.
19. *P.P.* Vol. VI, page 238. It was stated in para 9 of the 3rd June Plan, "It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguou majority areas of Muslims an non-Musli ms."

"contiguity" meant "adjacency" and nothing else.[20] The last sentence of the terms of reference was, "in doing so, it will take into consideration other factors." It was preceded by the verbs denoting two different actions, viz. "demarcating" and "ascertaining". The counsel for the Muslims contended that "in doing so" related "to demarcation" and "nature of those factors would be only such as might somehow or other be related to demarcation process."[21] The counsel for the non-Muslims asserted that "in doing so" was related to ascertaining the contiguous areas" because the main function of the Commission was to determine the areas and not to demarcate the actual line which was to be drawn by the subsequent governments. The word "areas" mentioned in the terms of reference was also the subject of a great legal controversy. The counsel for the Muslims asserted that "contiguous majority areas" should be determined on the basis of a tehsil, a sub-division of a district, whereas the counsel for the non-Muslims vehemently opposed this assertion and argued that a collection of villages of a community in a tehsil was not necessarily contiguous in the whole of it because a *tehsil* was an artificially demarcated area for purpose of collection of revenue. All this controversy about the definition of "areas" paved the way for the Chairman of the Punjab Boundary Commission feeling free to decide the term as the circumstances seemed to call for. He awarded four police stations of Tehsil Kasur (District Lahore) to the East Punjab and Tehsil Shahargarh of the District Gurdaspur to the West Punjab.[22]

The other factors, as mentioned in the terms of reference also raised much controversy. According to Lloyd George the "other factors", as used in the reports of the Peace Conference, held after the First World War to determine the boundaries of the States meant "economic exigencies, histosical association and vital strategic consideration."[23] According to the Orissa Boundary Commission (1928), "Language, race, the attitude of the people, geographical position, economic interests and administrative convenience all are relevant factors."[24] The crux of problem lay in the extent to which the

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20. Ibid, p. 238, Report of Justice Din Mohammad.
21. Ibid, p 238
22. *Radcliffe Award*, wide Appendix, Chapter VI
23. David Lloyd George, *The Truth About the Peace Treaties*, Vol. II, p. 912
24. Harnam Singh, *Sikh Memorandum to the Punjab Boundary Commission*, p. 4

population factor was to be allowed to be overridden by other considerations, like the location of the religious shrines of the Sikhs, the disruption of the irrigation system and economic factors.

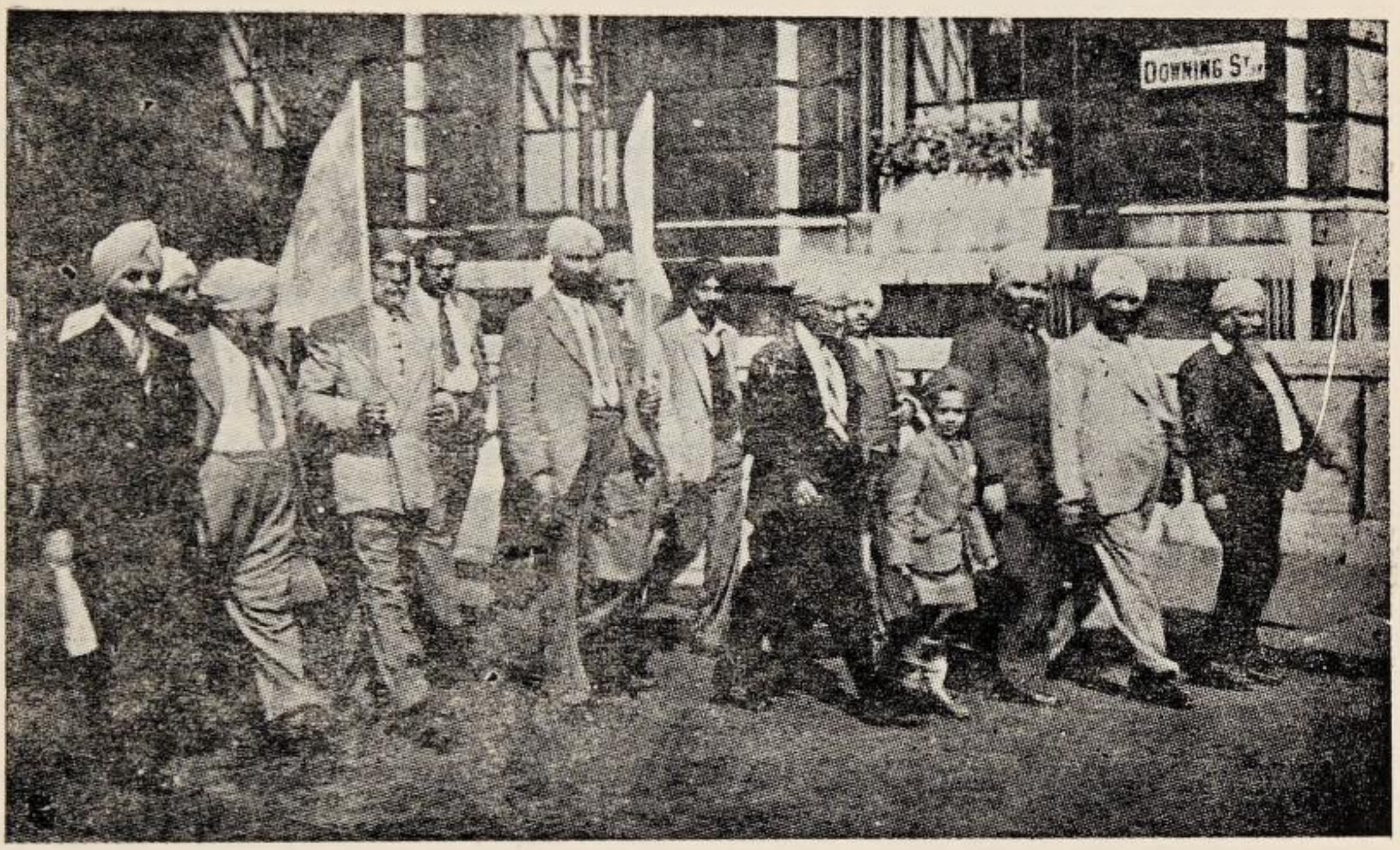
The Sikh Shrines

The Sikhs had been agitating for the inclusion of Nanakana Sahib, the birth-place of Guru Nanak, the founder of Sikhism, in the East Punjab. To stress their point of view, they observed the 8th July as Nankana Sahib Day. The Maharaja of Patiala approached the Viceroy to receive a deputation of the Sikh V.C.O's and soldiers. The Viceroy agreed and the date and time were fixed for this puspose. When Mr. Jinnah came to know of this he raised an objection to the Viceroy's meeting a Sikh deputation. He argued in the meeting of the Partition Council held on the 10th July that the question of demarcation of the Punjab boundary was being discussed by the Punjab Boundary Commission and the Viceroy could not discuss this question with the Sikh deputation. The Viceroy agreed and said that in case he met the deputation a specia! communique would be issued.[25].

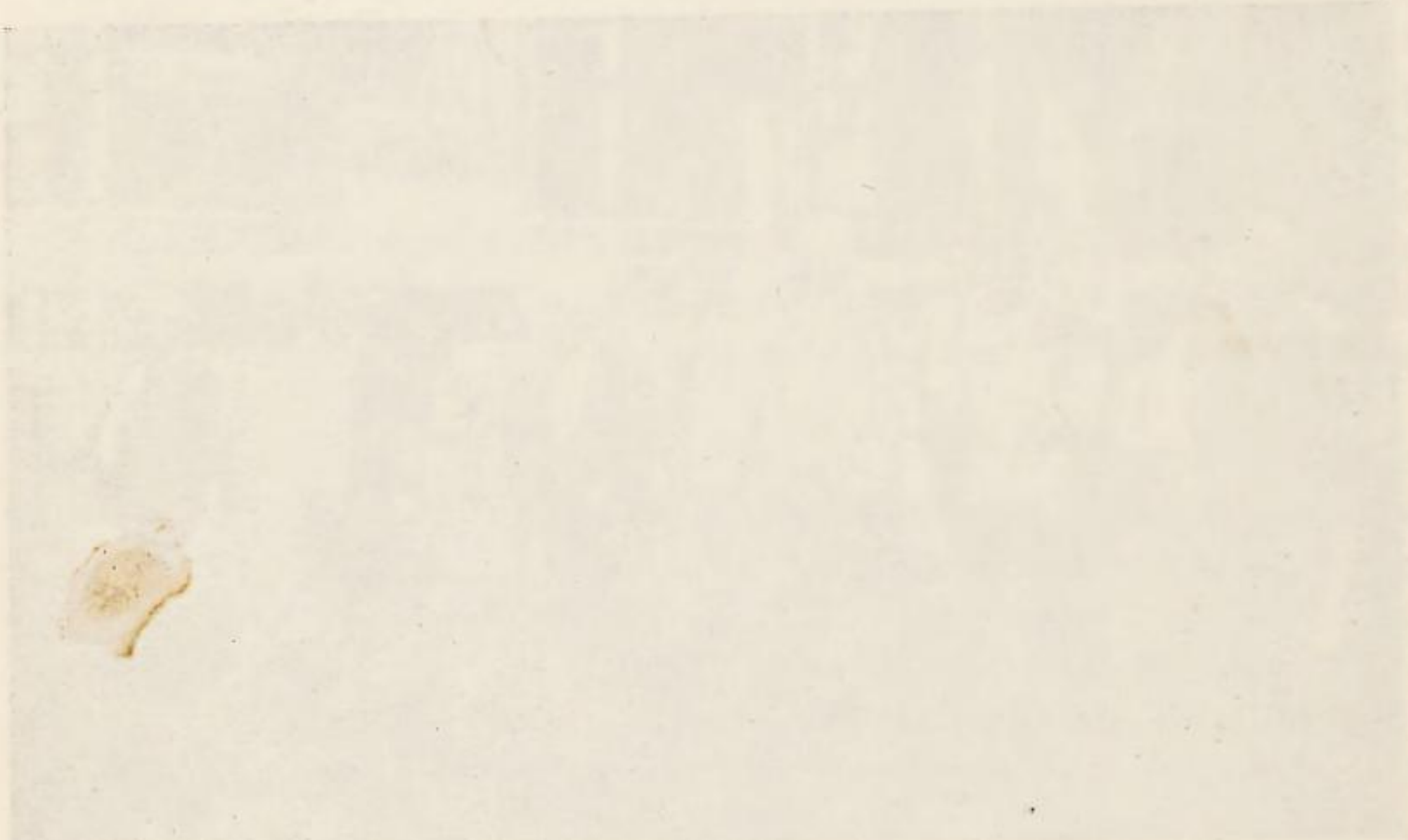
This had a very adverse effect on the Sikhs, because the Sikhs thought that it was their right to represent their point of view to the Viceroy who, they erroneously believed, could issue some instructions to the Punjab Boundary Commission regarding the Sikh shrines. Now, they realized the necessity of an interpreter who could represent their point of view to the Viceroy. Mr V.P. Menon, Constitutional Adviser to the Governor-General, was in touch with Sardar Patel and Lord Ismay, Chief of Staff of the Viceroy, with Mr Jinnah. But Sardar Baldev Singh or the Sikh leaders had no such channel of communication. Sardar Baldev Singh, therefore, requested the Viceroy to recall and re-employ Major J.M. Short.

By 1947, Major J.M. Short had earned the reputation of being an expert on Sikh affairs. He served the XI Sikhs and retired in 1931. He was re-employed in 1940 when the Sikh Squadron of Central Indian Horse refused to embark for the Middle East. He was successful in restoring the loyalty of the Sikh forces. During the war, when the pro-Congress activities of the Akali Party were likely to affect adversely the military recruitment, he successfully persuaded the Akali leaders to have a favourable attitude towards the recruitment of the Sikhs. He was able to effect an understanding between the Akalis and the Unionist Government in the Punjab,

25. *P.P.*, Vol. IV, p. 186, vide Appendix



Sikh Demonstration in London on August 6, 1947 in favour of Gurdwara Nankana Sahib and the adjoining tract being included in the Indian Dominion.



which culminated in the Sir Sikander-Baldev Singh Pact.[26] He had explained to Professor Reginald Coupland and Sir Stafford Cripps the Sikh point of view when they visited India in 1942. In 1946, he had accompanied Sir Stafford Cripps when the Cabinet Mission visited India. He was attached to Sardar Baldev Singh when he visited London in December 1946 along with Pandit Jawahar Lal Nehru and Mr Jinnah.[27]

Lord Mountbatten had interviewed Major J.M. Short, while selecting his staff before coming to India as Governor-General. He had then found no use for him. As the Viceroy was keen to pacify the Sikhs, he recommended Major Short's re-employment to the Secretary of State for India and instructed Lord Ismay, who was then in England, to bring Major Short with him. Major Short reached India on the 22nd July, 1947. As a matter of fact, by then it had almost been settled that population was to be the basis of partition, subject to the weight of other factors. Meanwhile, the Shiromani Akali Dal, a representative body of the Sikh's continued to exert itself for the inclusion of the Sikhs shrines in the East Punjab. One deputation was sent to England to mobolize British public opinion in favour of the Sikhs. The local Sikhs went in a procession to Downing Street to present a memorandum to the British Prime Minister regarding the Sikh demands.[28].

On the 14th July, Mr Arthur Henderson, the then Under Secretary of State in a reply to a question said in the House of Commons, "The provision that other factors will be taken into account has been made primarily to enable the Commission to have regard to the special circumstances of the Sikh community in the Punjab where considerations such as location of their religious shrines can reasonably be taken into account up to a point."[29] Mr Jinnah and Liaqat Ali Khan were upset over this statement and argued with the Viceroy that the accepted principle of partition was "contiguous majority areas" and that the "question of religious shrines of any community had never been discussed before."[30] The Viceroy agreed to convey their protest to the Secretary of State.

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26. Penderel Moon, *Divide and Quit*, London, 1961, p. 32
27. Major Short's talk with the writer.
28. Statement of S. Rawel Singh, President of Central Khalsa Jatha, Britain, 79, Sinclair Road, London (1964) who was one of the deputationists who presented the memorandum.
29. *Hansard* Vol. 440, p. 74
30. "Freedom But Danger Ahead" *Dawn's* Leading Article on 20th July, 1947

Subsequently, the copies of the statement and the Muslim League's protest along with its acknowledgement by the Secretary of State were sent to the Punjab Boundary Commission by telegram No. 2329-S, dated the 16th July, 1947.[31] It is true that the question of the Sikh shrines had not been included in the terms of reference nor had it been discussed at any stage before, but it was a question of vital importance for the Sikhs. In order to ease communal tension on this score, some sort of arrangement was necessary. Justice Mahajan, who was a member of Commission, writes, "Lord Radcliffe's Secretary asked me whether I would be willing to treat the town of Qadian as neutral territory if the town of Nanakana was similarly treated. I had personally no objection to this course. It was not, however, acceptable to some of my colleagues."[32] V.P. Menon made the suggestion that Mr Jinnah should be approached and persuaded to declare Nanakana Sahib, "a sort of Vatican."[33] This concession to the Sikhs might have had a wholesome effect on the Sikhs and Mr Jinnah would not have lost much. But the rejection of such a suggestion indicated the mutual tension which existed between the Muslims and the Sikhs. Sir Evan Jenkins, Governor of the Punjab, suggested to the Viceroy that the Montgomery District might be alloted to the East Punjab to accommodate the Sikh colonist from the West Punjab.[34] It could not be acted upon due to the stiff attitude of the Muslim-League.

Joint Control of the Canal System

The States of Bikaner and Bahawalpur had a long-standing water dispute over the canals taking off from the Ferozepur headworks. Both the States put forward their rival claims to the

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31. *P.P.* Vol. VI, p. 203. Report of Justice Teja Singh
32. Justice Mehar Chand Mahajan, *Looking Back*, Bombay, 1963, p. 115
33. Michael Edwardes, *Last Years of British India*, London, 1963, p. 212
34. Leonald Mosley, *Last Days of the British Raj*, p. 212
Sir Evan Jenkins, Governor of the Punjab, wrote to the Viceroy "I believe there is quite a lot in the claims of the Sikhs and for that matter other residents of the East Punjab, for a share in the canal colonies of the West and the Gianni's (Giani Kartar Singh who had a long interview with the Governor) idea that the Montgomery district should be allotted to the East is by no means as ridiculous as it sounds. The district, if so allotted to the East, could be recolonised so as to concentrate the non-Muslims there and transfer Muslims to Lyallpur." The contents of this letter have been verified by the writer from Giani Kartar Singh. In England, I learned from Sir Evan Jenkins as well as from Lord Ismay that L. Mosley got access to some original records which appear to have been quoted by him in his book *Last Days of British Raj*.

Governor-General who advised them to present their cases to the Punjab Boundary Commission.[35] Sir Cyril was of the view that some sort of an agreement for the control of the irrigation-system in the Punjab was essential. He discussed this problem with his colleagues on the Punjab Boundary Commission,[36] but no agreement was possible. Even if the joint control of the Punjab irrigation-system had been forced, as has been suggested by some writers, it was bound to fail. The necessary goodwill for running any joint venture was lacking. Everything had been divided and joint control would not have worked.

The Commission at Simla

After the 31st July, the Commission retired to Simla where Sir Cyril who had gone to Calcutta to attend the meetings of the Bengal Boundary Commission also joined it. Justice Mahajan has given a very vivid description of the working of the Commission at Simla : "Rather anxiously, the non-Muslim and Muslim members never met together for consultation or discussion. Mr Justice Din Mohammad frankly told me at the outset that so far as he was concerned he would write the report conceding the demands of the Muslim League and I could do what I liked. As a result of this, all four of us wrote separate reports."[37]

Justice Mahajan was the first to submit his report on August 3, 1947. While discussing various points, he suggested the following boundary line : ' In my view the frontier of India and Pakistan should be demarcated on the west of the Ravi and in the neighbourhood of that river as, strategically speaking, this is the only workable frontier. The frontier line will take the course of the Basantar River as leaving the tract of Shakargarh Tehsil on the west side. This line should join the River Ravi at the confluence of the Basantar River with the River Ravi below Narowal. From there, it should follow the course of the Ravi up to Shahdra. From Shahdra, it should proceed via Sheikhupura to Nanakana Sahib, include that town in the East Punjab and then it should join the Deg Nala up to its confluence with the River Ravi near Syedwala. From there, the course of the Ravi should be followed till Channu and then should adopt the border of the Montgomery District with the Multan

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35. *P.P.* Vol. VI, p. 6
36. Lord Radcliffe's talk with the writer. Sir Cyril was subsequently made Lord Radcliffe.
37. *Looking Back*, p. 115

District and join the River Sutlej some distance above the Islam Headworks."[38]

Justice Teja Singh submitted his report on the next day, *i.e.* August 4, 1947. While emphasizing the importance of the Sikhs, Sikh shrines and the contribution of the Sikhs to the development of the land, he suggested the following boundary line : "I would draw the north-western boundary of the Eastern Punjab along the River Chenab from where it enters the Punjab going right up to Khanki and from there turn to the right bank of the Lower Chenab Canal up to Nanwana, then follow the bank of the Rakh Branch up to the place where it enters the Lyallpur District, go along the present boundary between the districts of Sheikhupura and Lyallpur right up to the point where Deg Nala joins the Ravi River, then follow the Ravi River and the present boundaries between Lyallpur and Montgomery districts, turn to Channu, then following first the present western boundary of the Montgomery District and then up to the banks of the River Sutlej and the present southern boundary of the Montgomery District come to Sulemanki where the districts of Ferozepur and Montgomery and the Bahawalpur State join."[39]

Justice Din Mohammad and Justice Mohammad Munir submitted their reports on August 5, and August 6 respectively. Justice Din Mohammad mainly emphasized the importance of the population factor. Justice Mohammad Munir replied to the points raised by the Counsel for the Sikhs. According to O.H.K. Spate, "The Muslim case was much better presented technically. It presented a beautiful and a very comprehensive series of maps, excellently produced and covering all aspects of the problem,"[40] thanks mainly to Mr Spate. The counsel for the Muslims did not suggest any specific line but both strongly supported the boundary line suggested by the Muslim League. The boundary line proposed by the Muslim League was to divide the Pathankot Tehsil in order to retain Madhupur Headworks in the West Punjab. A few miles it ran along the River Beas, then followed the crest of the Swalik for some 80 miles. The line ran south-east, but near Rupar Headworks on the great bend of the Sutlej it turned west, and as far as the Rajputana boundary ran roughly parallel to the Sutlej along the

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38. *P.P.*, Vol. VI, pp. 188-89
39. *P.P.*, Vol. VI, p. 214.
40. *The Geographical Journal*, Royal Geographical Society, London, April 1948, p. 209

Ludhiana-Ferozepur railway and the Bikaner canal both included within the West Punjab.[41]

The last meeting of the Commission was held in the premises of the Services Club, Simla. Sir Cyril Radcliffe presided. Regarding the fixation of the boundary line, he said, "Gentlemen you have disagreed and, therefore, the duty falls on me to give the award which I will do later on."[42].

APPENDIX TO CHAPTER V

(*a*) *Deputation of Sikh V.C.O's. and Soldiers*

Mr Jinnah pointed out that although he was doing everything in his power to retain a hold over the Muslim sections of the population concerned to honour the undertaking given that the findings of the Boundary Commission, whatever they were, would be accepted, he had noticed that the Sikh leaders were still reported to be inciting their followers to offer active resistance to decisions which they might regard as unfavourable. It was reported that active preparations for resistance were being made and that oaths to resist were being taken. The impression on the Muslim mind was that the Sikhs were carrying on this agitation in order to influence the decision of the Boundary Commission. In consequence, any suggestion that a Sikh deputation was being received to raise the question of boundaries would have a most undesirable effect.

His Excellency reiterated that he had made abundantly clear to His Highness the Maharaja of Patiala, Sardar Baldev Singh, Master Tara Singh and all other Sikh leaders, with whom he had had interviews, the consequences of any attempt to offer active resistance. No responsible government would tolerate for a moment such action, which would be met by the immediate employment of the regular armed forces of India. In view of the superiority in aeroplanes, tanks, artillery, etc. that the armed forces enjoy, such action would inevitably result in very severe losses being inflicted on those who would only be armed with rifles and out-of-date weapons. He reaffirmed his hope, therefore, that the Sikh leaders would be able to restrain their followers. His Excellency said he had been assured by Sir Cyril Radcliffe that he would be able to submit his reports by the 14th August. In conclusion, His Excellency said that he would communicate with H.H. the Maharaja of Patiala, and

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41. Ibid. p. 209
42. *Looking Back*, p. 115

make it clear that if he received the deputation no questions regarding boundaries could be brought up ; and if the deputations were received, this fact would be made very clear in a press note.

Minutes of the fourth meeting of the Partition Council held on July 10, 1947, *Partition Proceedings* Vol. IV, page 146.

(*b*) *A Note by the Viceroy*

1. I visited Lahore on Sunday, 20th July, and met the Punjab Partition Committee.

2. I put before that Committee the views of the Partition Council on the matters discussed at their meeting on 17th July, as recorded in Case No. PC/56/6/47.

3. It was agreed that the Government of East Punjab should in any case move all unessential personnel to Simla on 10th August.

4. It was further agreed that, if the decision of the Boundary Commission places Lahore in the West Punjab the remnants of the East Punjab Government should leave Lahore by midnight 14/15th August ; and that, if Lahore was placed in the East Punjab, the Government of the West Punjab, should leave Lahore by midnight 14/15th August—and that detailed plans should be made for this contingency beforehand.

5. It was agreed that the posting of officers should continue on the basis of the notional partition, except in the case of Deputy Commissioners and Superintendents of Police in the districts of Gurdaspur, Amritsar and Lahore

6. In these three districts there happen now to be British Deputy Commissioners and Superintendents of Police. It was agreed that these should remain in control until the 15th August ; but that each side should be entitled to nominate personnel ready to take over from them, and that there would be no objection to these personnel being attached to the districts in advance of the 15th August, though without any executive authority. On the 15th August, on the withdrawal of the British officials, and on or before that date the personnel of the Government not entitled by the award to assume control, will be withdrawn.

7. I am glad to be able to report that all the members of the Punjab Partition Committee, and particularly the Sikh member, Sardar Swaran Singh, declared that their parties would accept and abide by the decision of the Boundary Commission.

8. I told them that the Central Partition Council had decided to issue a statement, assuring minorities and warning against dis-

turbances. I am glad to be able to report that the members of the Punjab Partition Committee agreed to issue a similar statement signed both by themselves and by as many of the influential leaders in the Province as possible.

9. The Punjab Partition Committee was very keen that the decisions of the Boundary Commission should be promulgated at the earliest possible moment ; and I am going to ask Sir Cyril Radcliffe if he can produce them by 10th August.

10. The members of the Committee told me that, apart from the two matters which they referred to the Central Partition Council, they had at present no other major points of difference, and things were going well.

Eighth meeting of Partition Council, July 22, 1947
Partition Proceedings Vol. IV, page 232.

CHAPTE VI

THE AWARD

The announcement of the Punjab Boundary Award raised a good deal of controversy. Mr Jinnah, the Governor-General of Pakistan, publically condemned the Award in his broadcast speech on the 31st August, 1947. He said, "We have been squeezed in as much as it was possible and the latest blow that we have received was the Award of the Boundary Commission. It is an unjust, incomprehensive and even a perverse award."[1] It is curious that he took so long to discover its character. The Pakistan press was also critical of the Award and the Pakistan Government later quoted the following passage of the *Pakistan Times* Lahore, in its widely circulated booklet *The Sikh Plan in Action*: "The blow has been hardest in the Gurdaspur District when the two Muslim tehsils of Gurdaspur and Batala with a Muslim majority of 52.1 per cent and 55.06 per cent respectively have been thrown into Hindustan along with Pathankot Tehsil taking away from Pakistan the rich Muslim Industrial town of Batala. A part of Lahore Distric has also been broken off. Radcliffe has taken the trouble of drawing a village-to-village boundary but Ajnala Tehsil of Amritsar District with 60 per cent Muslim majority and contiguous to the district of Lahore has been completely forgotten. The tehsils of Zira and Ferozepur with a clear majority have been dismissed with a talk of disruption of communication."[2] Recently, Field Marshal Mohammad Ayub Khan wrote in an article, "Never had the destiny of so many millions depended so helplessly on the arbitrary strokes of one man's pencil. It was because Mr Radcliffe happened to make a small dent on the wrong side of the line that over 4,000,000 inhabitants of Jammu and Kashmir have been locked in a life-and death struggle for self determination for 13 long years."[3]

The Tehsils of Gurdaspur and Batala

According to Andrew Mellor, "In the award, a particular

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1. *Sikh Plan in Action*, Pakistan Government Publication, typed copy S.H.R. 1518, page 5
2. Ibid, page 4
3. 'Pakistan Perspective', *Pakistan Anthology*, 1961, pages 3-4

cause of anger to the Muslims was that a large part of the Muslim-majority area of Gurdaspur went to the East Punjab, thus giving India an extended frontier with Kashmir."[4] K. Sarwar Hassan writes, "Included in the Punjab areas given by Radcliffe to India were two Muslim-majority tehsils (sub districts) of the Gurdaspur district. We have it on the authority of Lord Birdwood, an Indian Army Officer of a long experience, that it was Radcliffe's award to India of Gurdaspur and Batala Tehsils with Muslim majorities which rendered possible the maintenance of an Indian force at Jammu based on Pathankot as railhead and which enabled India to consolidate for defences southwards all the way from Uri to the Pakistan broder."[5] According to Brecher "Muslim League leaders were dismayed for Gurdaspur was of vital significance, it was then the only useable link between India and the princely State of Jammu and Kashmir (for India). A few months later, when the conflict over Kashmir arose Pakistan leaders blamed what they considered to be manifestly an unjust decision on Gurdaspur".[6]

Perhaps the demarcation of the boundary-line in the district of Gurdaspur would not have aroused so much cries from Pakistan, had there been no Indo-Pakistan conflict over Kashmir. It is, therefore, important to examine in detail the position of the Gurdaspur District. This consisted of four tehsils (sub-districts) with the Muslim population percentage noted against each, according to the census of 1941 :

1.	Tehsil Batala	...	55 06%
2.	Tehsil Shakargarh	...	51.3%
3.	Tehsil Gurdaspur	...	51.1%
4.	Tehsil Pathankot	...	38.8%

As a whole, the Gurdaspur district had a 50.4 per cent Muslim population.

In the notional division appended to the 3rd June Plan, the district of Gurdaspur was included in the Muslim-majority districts. But the reasons for doing so were clearly stated by Lord Mountbatten. He said in the Press Conference on the 3rd June, "I put that in for the simple reason that in the district of Gurdaspur in the Punjab, the population is 50.4 per cent Muslims, I think, and 49.6 per cent non-Muslims. With a difference of 0.8 per cent you

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4. Andrew Mellor *India Since Partition*, London 1951, p. 38
5. K. Sarwar, *Pakistan and United Nations*, New York, 1960, p. 45
6. Michael Brecher, *Nehru, A Political Biography*, London 1959, p. 359

will see that it is unlikely the Boundary Commission will throw the whole district into Muslim majority areas.....The point is this : We have adopted these districts for one purpose and one purpose only. It is the only simple way by which you can divide the members of the Legislative Assembly." Lord Mountbatten further elucidated this point when he said, "I won't labour this point. And I will be grateful for publicity by the press that it should not be assumed that it is a foregone conclusion that they will be going into the area within which their community is not in a majority."[7]

It was, therefore, clear from the very beginning that the whole of the district of Gurdaspur could not go to India or to Pakistan. If a tehsil be considered as a unit for demarcation, as the Muslim Counsel in the Boundary Commission stressed, Pakistan could not claim Pathankot Tehsil which had a direct link with Jammu and Kashmir and had the headworks of the Uppar Bari Doab Canal at Madhopur. It had an over-whelming majority of non-Muslims viz. 61.2 percent. It was contiguous to the non-Muslim majority districts of Kangra and Jullundur. It would have been a grave injustice to India, had this area been given to Pakistan. Of the remaining three tehsils, one, which was situated beyond the River Ravi towards the west, viz. Shakargarh, was given to Pakistan by the Radcliff Award.[8] Regarding the award of tehsils of Batala and Gurdaspur to India, Brecher rightly observes, "The Radcliffe Commission had been instructed to determine the boundary on the criteria of communal composition and other factors. Although unstated, there were acknowledged to be economic considerations, particularly the effect of demarcation on the canal irrigation systems and the rail and the road communications. In this instance, Radcliffe adjudged these "other factors" compelling and awarded Gurdaspur to the East Punjab."[9] According to Justice Din Mohammad, who was a member of the Punjab Boundary Commission, the main reason for awarding Batala and Gurdaspur Tehsils to India was that their award to Pakistan would have isolated the important Amritsar District from rhe surrounding Indian soil[10]. This seems another factor which could easily override percentage of population.

The case of Gurdaspur District was so clear that even two Muslim members of the Punjab Boundary Commission were con-

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7. *Time Only To Look Forward*, p. 30
8. Para 1, Annexure A, *Radcliffe Award*, vide Appendlx
9. *Nehru—A Political Biography*, pp. 339
10. Lord Birdwood, *A Continent Decides*, London 1955, p. 36

vinced that Gurdaspur would go to India. Justice Mohammad Munir, amember of the Punjab Boundary Commission, who subsequently became the Chief Justice of the Pakistan High Court, said in his farewell address in Lahore in April 1960, "Today I have no hesitation in disclosing .....it was clear to both Mr. Din Mohammed and myself from the very beginning of the discussions with Mr Radcliffe that Gurdaspur was going to India and our apprehensions were communicated at a very early stage to those who had been deputed by the Muslim League to help us."[11] At least it accepted an inevitability in the case of Amritsar going to India.

The Tehsils of Ferozepur and Zira

The case of the Ferozepur District rendered the entire award of Sir Cyril supsicious in the eyes of Pakistan. Justice Mohammad Munir stated, "When I was replying to the Sikh case, I was told by Mr Radcliffe in the most unequivocal terms that three tehsils of Ferozepur, probably, Ferozepur, Zira and Fazilka, were coming to Pakistan and that it was unnecessary for me to discuss that part of the case with them. I still remember the description of the terrain he gave me of their transfer to Pakistan and I communicated my congratulation to the Nawab of Mamdot. (Lord Radcliffe told the writer that his private talk always leaked out to the Muslim press). He was jubilant, but was disappointed a few days later, when by the award which came three days after the scheduled time, these tehsils went to India".[12]

The district of Ferozepur had five tehsils of which the following two had Muslim-majority population :

Ferozepur Tehsil	...	55.2%
Zira Tehsil	...	65.2%

The Muslims in the Ferozepur District, as a whole, formed 44.6 per cent of the population.

It is clear that, if the Muslim population on a tehsil basis were considered for demarcating the boundary line, as demanded by the counsel for the Muslims and no other factor taken into account, then Pakistan could have had tehsils of Zira and Ferozepur and not the tehsil of Fazilka as afterwards claimed by the Justice Mohammad Munir. The Fazilka Tehsil was a non-Muslim-majority area, with about 57 per cent non-Muslims. Sir Cyril Radcliffe gave the following reasons in his award for this transfer, "I have hesitated

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11. *The Tribune*, Ambala Cantt, April 26, 1960
12. *The Tribune*, Ambala Cantt, April 26, 1960

long cover those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole, I have come to the conclusion that would be in the true interests of neither state to extend the West Punjab to a strip on the far side of Sutlej and there are factors such as the disruption of railway communication and water systems that ought in this instance to displace the primary claim of contiguous majorities."[13]

But it did not convince the Pakistan leaders as K. Sarwar Hassan writes, "Disruption of railway line is not irrepairable for these could be re-aligned. But so far as the water systems were concernd, the effect of the Award was not to save them from disruption but, as we shall see, to disrupt them with disasterous consequences. Radcliffe as a trained lawyer could not but have known what he was doing."[14] Sir Zafar-ullah, Pakistan's first Foreign Minister, told the writer that had the tehsils of Ferozepur and Zira been given to Pakistan with the Ferozepur Headworks controlling the Gang Canal irrigating the Bikaner State, the ruler of Bikaner would have acceded to Pakistan. This contingency might have prompted the award as given. It is doubtful, however, whether the ruler of Bikaner, with an overwhelming majority of the Hindu subjects, would have joined Pakistan. He was one of first group of the princes to join the Constituent Assembly of India. Muslim leaders might have fondly hoped that the State of Bikaner would have joined Pakistan on account of the Ferozepur Headworks going to them. It is unfortunate that the Pakistan statesmen have started imputing motives, rather than seeing the force of the arguments advanced by Sir Cyril for awarding the tehsils of Ferozepur and Zira to India.

The Sketch-Map Incident

Before the publication of the Award, Sir Evan Jenkins, the Governor of the Punjab, contacted the Viceroy's Secretary and asked for advance information about the Punjab Boundary Award. He probably pleaded that it had been the previous practice of the British administrators to give advance information to the governments concerned regarding administrative decision likely to affect them so that they might make necessary arrangements. But Sir Evan Jenkins, while asking for advance information, forgot that the

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13. Para 10, *Radcliffe Awa"d*, vide Appendix
4. Sarwar Hassan—*Pakistan and United Nations*, New Yerk, 1960, page 42

information required was relating to an international boundary and it was no longer an internal problem of the province of which he was the head.

The Viceroy's Secretary, whom Sir Evan Jenkins contacted on telephone, was Sir George Abell, one of the seniormost members of the British I.C.S. in India. As Secretary to the Viceroy, he corresponded with the Governors. In the Viceroy's staff, he had succeeded Sir Evan Jenkins with whom he had friendly relations. Sir George, therefore, contacted the Secretariat of the Boundary Commission. According to Brecher, "Abell got in touch with the Secretary of the Radcliffe Commission and on the basis of a telephonic conversation drew a sketch map which was sent to Jenkins".[15] This telephonic conversation might refer to the description of the boundary which was produced before the Security Council. About the sketch map, it appears certain that it was not prepared at Lahore or at Simla, it was sent from Delhi. Sir Francis Mudie, the Governor of the West Punjab, who succeeded Jenkins, informed the writer that the sketch map left by Jenkins among the confidential papers could not have been prepared on the basis of a telephonic conversation. Sir Cyril Radcliffe appears to have been aware of a map being sent to Abell. It appears almost certain that the sketch map was sent to Abell from the Secretariat of the Boundary Commission. Sir Zafarullah told the writer that the Pakistan Government sent him the photo copies of three documents to be presented before the Security Council while discussing the Kashmir case (1) :—the forwarding letter in which Abell had stated that the map he was sending, was supplied to him by Mr Beaumont, Secretary of Sir Cyril Radcliffe, (2) the sketch map which indicated the Punjab boundary line, and (3) the description of the boundary line like which tallied with the Radcliffe Award. Sir Francis Mudie denied the knowledge of the forwarding letter or the description of the boundary line indicated in the sketch map. He only saw the map which was left by Jenkins. The forwarding letter and the description might have been detached by Jenkins or his Secretary before the map was placed in the confidential box of the Governor. The map was subsequently shown to Mr Jinnah, Governor-General and Mr Liaqat Ali Khan, Prime Minitter of Pakistan.

The map would have gone unnoticed, had there been no difference between what it depicted and the subsequent award. In this map, the tehsils of Ferozepur and Zira were shown in Pakistan,

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15. *Nehru—A Political Biography*, page 360

whereas the Award put the tehsils in India. Sir Francis Mudie, the Governor of the West Punjab, was the first to note this change and has asserted that Sir Cyril Radcliffe had changed his original Award. Pakistan leaders hold that the Award had been tampered with in order to make it favourable to India. The Pakistan leaders accused Lord Mountbatten, using his personal influence to alter the Punjab Boundary Award. Commenting on this epitode, Lord Mountbatten declared that he considered it beneath his dignity to issue a formal denial of such a charge.[16]

There is no evidence of the Viecroy's interference in the working of the Boundary Commission. On the contrary, Alan Compbell Johnson writes, "Mountbatten from the outset had given his staff the most explicit directions that they were to have no contact whatever with Radcliffe while he was engaged on his difficult and delicate arbitral task and has himself kept clear of him after the first welcome."[17] Similarly, Brecher writes, "The author has been told by various persons that there was no communication between Mountbatten and Radcliffe throughout the labour of the Commission."[18] The Akali leaders, Master Tara Singh and Giani Kartar Singh, told the writer that Major Short's pleading for the Sikhs has brought a favourable award to India. This does not, however, appear to be correct, because Major Short was not so high-ranking a personality to influence the course of events as he himself admitted in a statement to the writer. In the third week of July 1947, he was attached as Personal Assistant to Lord Ismay, Chief of Staff of Lord Mountbatten, who kept contact with Mr Jinnah.

A close scrutiny of the *Partition Proceedings* will convince any impartial observer that the Punjab Boundary Award was in accordance with the decisions of the Partition Council. The question of the boundary line in the Punjab was discussed there frequently. Unlike the Bengal and Assam Partition Committees, the work of the Punjab Partition Committee was held up on account of extraordinary conditions prevailing here. One of the major problems was the transfer of the officers who had opted either for the East Punjab or for the West Punjab. Out of the twenty-nine districts, as many as fourteen districts had been declared disputed districts[19] by the Partition Council. These fourteen districts were to be under the control of

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16. Ibid. p. 361
17. *Mission with Lord Mountbatten*, p. 251-52
18. *Nehru, A Political Biography*, p 361 foot-note
19. For deta ls vide Chapter *Punjab Boundary Force*

Major J. M. Short and his wife in their home in England. Major Short (died in 1969) was considered an expert on Sikh affairs.

(Photograph by Author)

the Punjab Boundary Force. On July 10, Jenkins, Governor of the Punjab, had reported that "The Sikhs and the Hindus are reluctant to the set up any Government at all, until August 15, except in Lahore. They consider that a move from Lahore will prejudice their claim to the city."[20] The issue was discussed in the meeting of the Partition Council held on the 17th July. It was decide that the notional boundary was to be followed, except with regard to three districts, viz., Gurdaspur, Lahore and Amritsar. It may be noted here that Ferozepur was not counted as a disputed district in the meeting of the Partition Council where Mr Jinnah was present.[21] It was also decided that the East Punjab Government should be asked to move to Simla before the 15th August, 1947. This statesman-like decision of the Governor-General killed two birds with one stone. By bringing Lahore among the disputed districts, he tried to pecify the growing demand of the non-Muslims to include Lahore in the East Punjab, while by instructing the East Punjab Government to move from Lahore before the 15th August he satisfied the Muslim point of view. Lord Mountbatten personally visited Lahore on July 20, 1947, to pursuade the East Punjab Government to move to Simla.[22]

A separate decision appears to have been taken regarding the three districts of Gurdaspur, Lahore and Amritsar. As already stated, the Governor-General had declared on the 3rd June, "In the district of Gurdaspur in the Punjab, the population ratio is 50.4 per cent Muslims and 49.6 per cent non-Muslims. The difference is 0.8 per cent. You will see at once that it is unlikely that the Boundary Commission will place the whole district in the Muslim majority area." This implied a division of the Gurdaspur district which was actually made in the Award.

In the case of Lahore and Calcutta, the provincial capitals of the Punjab and Bengal, the decision in respect of the provinces to be partitioned appears to have been made much earlier. According to Justice Mahajan, who was a member of the Punjab Boundary Commission, once Sir Cyril Radcliffe remarked, "How can you have both Calcutta and Lahore. What can I give to Pakistan."[23] Regarding Calcutta, Arthur Henderson had said in the House of Commons that "Calcutta is to be found within that section of existing Bengal

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20. *Last Days of British Raj*, p. 205
21. *P.P.* Vol. IV, pp. 187 and 237
22. For details, see Chapter IV, *Partition Machinery*
23. Mehar Chand Mahajan, *Looking Back*, p. 115

which contains the majority of Hindu population."[24] Similarly, on the majority population basis, the district of Lahore had been allocated to the West Punjab in the notional division. The question "would the Government of the East Punjab be permitted to administer the East Punjab from Lahore as headquarters"[25], had been discussed in the Partition Council meeting held on the 17th July, 1947, where the Governor-General had said that he would secure the agreement of the Punjab Partition Committee to (*a*) the Government of East Punjab moving to Simla before the 15th August and (*b*) making the postings on the basis of notional division.[26] The Hindus and the Sikhs of the Punjab were greatly upset with these decisions. As a last resort, they "tried hard to persuade the Congress to make an issue of Lahore, because their political and economic life had been centred in Lahore."[27] But the Congress did not move in the matter, as obviously it saw no grounds on which it could make the claim.

Professor R. Coupland had pointed out earlier that in the case of the division of Punjab, both the prominent cities of the Punjab, viz. Lahore and Amritsar could not go to a single state.[28] Moreover, Amritsar being the sacred city of the Sikhs with numerous historical shrines in it, had a great significance, especially in view of the Under Secretary of State's statement that 'other factors' meant location of the Sikh shrines. Amritsar had been in the East Punjab according to the notional division.

Thus it appears wrong to infer that Lord Mountbatten intervened or Sir Cyril Radcliffe made eleventh hour changes under some political pressure. Pakistan's suspicion regarding the boundary line in the Ferozepur District is part of a political move. The Nawab of Mamdot who was the President of the Punjab Muslim League in 1947, belonged to the Ferozepur District. He had been assured by some Muslim lawyers, as is clear from the statement of Justice Mohammad Munir, quoted above, that his estate would remain in Pakistan. Actually, when this did not happen, they cooked up the sketch map story to account for its going to India. Lord Radcliffe explained to the writer that he had drawn several lines of demarcation before reaching the final conclusion. While the Award was in

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24. *Hansard* Vol, 440, p. 74
25. *D.P.P. P.C.* p. 12
26. *P.P.* Vol. IV, p. 186
27. Maulana Abdul Kalam Azad, *Indian Wins Freedom*, p. 200
28. Prof R. Coupalnd, *Report on Constitutional Problem of India*, Vol. III, p. 86

the process of finalization, one such sketch map appears to have been conveyed to the Governor of the Punjab. But that could not be the final one. It is interesting that Pakistan has never divulged the date when the map was supplied much less when it was drawn. The letter of Abell, accompanying the map and a photo copy, sent to Sir Zaffarullah could easily decide the issue. But the fact that Pakistan has not divulged it, is a positive proof that the sketch map was prepared before the award had been finalized. The line incorporated into the Punjab Boundary Award was the final one. No suspicion regarding the sketch map would have risen, had the map supplied to Jenkins been marked as "provisional" or "tentative" or "not final". It would have been equally effective had Sir George Abell emphasized this point while conveying the map to Jenkins. He could likewise have done the same with Sir Francis Mudie. Minor omissions here and there on the part of one officer or another created a permanent suspicion.

One of the major factors which confirmed the doubts of the leaders of Pakistan was the delay in the announcement of the Punjab Boundary Award. The Punjab Boundary Award was released to the leaders of India and Pakistan on the 16th August in the afternoon and announced on the 17th morning. The awards of Bengal and Assam were announced on the 14th August. The demarcation of the boundary line in the Punjab was more contested than that in Bengal and when the award came, it was more precise in its description of the boundary than the Bengal Award.

The entire plan of transfer of power would have failed if the parties had not accepted the Award in the Punjab. The frequent references to the boundary line in the Punjab in the Partition Council were clear indications of its contested nature. Lord Mountbatten, therefore, had on July 22, 1947 taken assurances from the representatives of India and Pakistan that they would accept the award of the Commission whatever it might be.[29] The Viceroy seems to have decided to release the award relating to the Punjab on the 16th August, just as he had done in the case of the 3rd June Plan. This procedure was not considered essential for the awards relating to Bengal and Assam.

The meeting of the representatives of India and Pakistan could not be held on the 14th August, as it had been declared as Pakistan's Independence Day. The Viceroy spent the whole day in Karachi. The next day, *i.e.* the 15th August, was India's Independence Day.

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29. V.P. Menon, *Transfer of Power in India*, Calcutta, 1957, p. 409

Since Lord Mountbatten did not want to mar the independence celebrations, he preferred to postpone the Punjab Boundary Award by a couple of days. Alan Campbell Johnson notes the reaction to the release of the Punjab Boundary Award in the meeting of the representatives of India and Pakistan on the 16th August afternoon : "But the rejoicings of the morning were too soon tempered by the depression of the leaders this afternoon. When Mountbatten handed over to them the Radcliffe Award, ...Liaqat was there..... I was present at this sober and sullen gathering where the only unanimity was in denunciation of this or that communal 'injustice'. The field was thus left clear for Mountbatten to point with well-timed emphasis the moral that in so as far as it was impossible for all parties to be equally satisfied with Radcliffe's verdict, the best evidence of its fairness to rest in the undoubted equality of their displeasure".[30]

Assessment of the Award

Sir Cyril Radcliffe himself has rightly assessed the Punjab Boundary Award when he wrote ".....the Award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placings of the boundary."[31] "Whatever had been the Award, it would not have satisfied both parties as the claims of the respective parties ranged over a wide field of territory."[32]

The Punjab Boundary Award was bitterly resented in both the East Punjab and the West Punjab. The West Punjab resented the Award for the loss of Gurdaspur District and the Ferozepur canal headworks and the East Punjab resented it for the loss of Lahore and the canal colonies of Sheikhupura (including Nanakana Sahib), Lyallpur and Montgomery Districts.

The Radcliffe Award made only minor changes in the notional division provided in the 3rd June Plan and subsequently included in the Indian Independence Act. Four police stations of the Tehsil Kasur in the Lahore District were given to the East Punjab in order "to mitigate the consequences of the severance[33] of the Upper Bari Doab Canal." The only exception was in the case of the district of Gurdaspur which was in the West Punjab according to the

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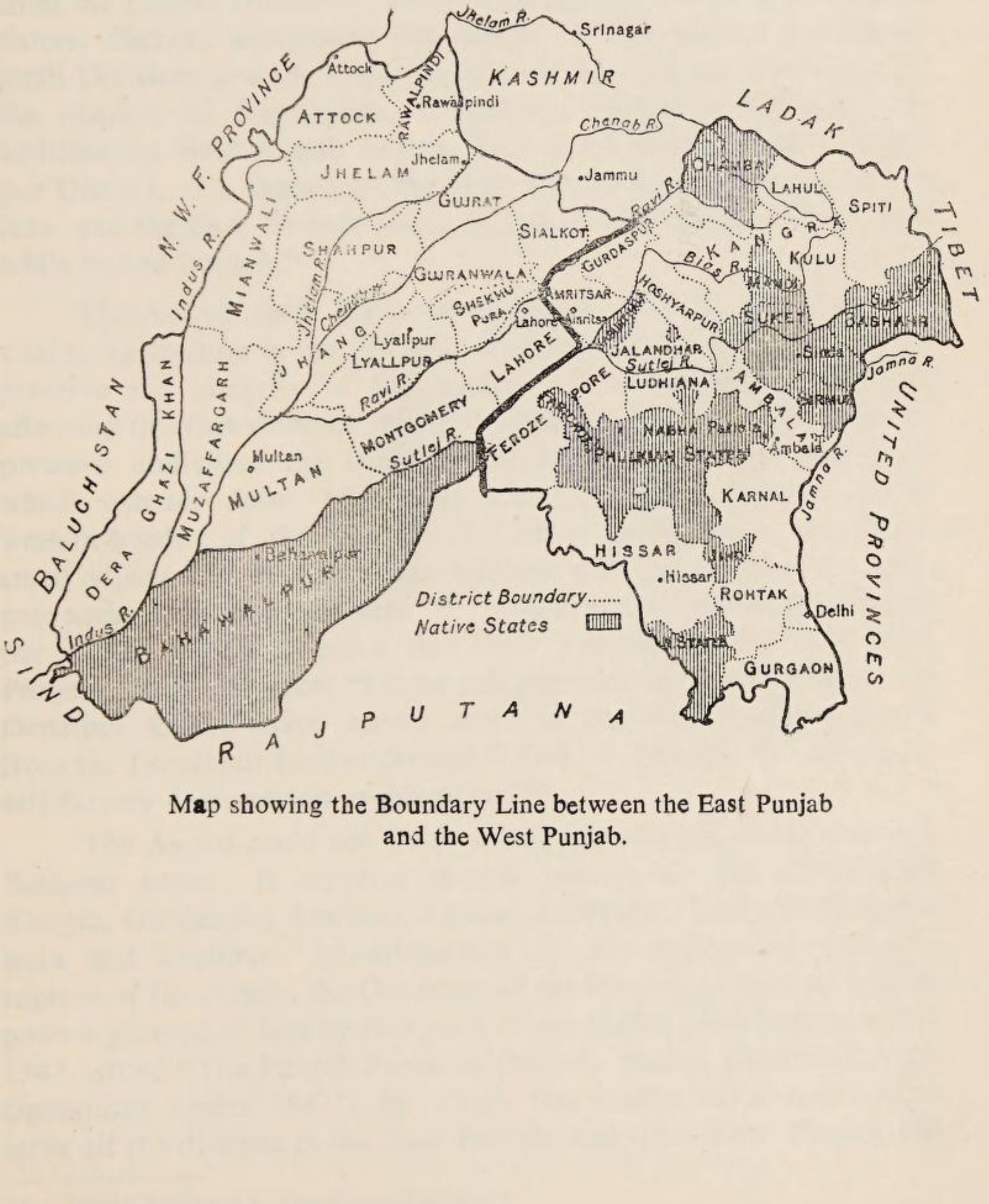
30. *Mission with Lord Mountbatten*, page 167
31. Para 12, *Radcliffe Award*, vide Appendix
32. Para 9, Ibid
33. Para 11, Ibid



Map showing the Boundary Line between the East Punjab and the West Punjab.

notional division. The Award gave its Shakargarh Tehsil to the West Punjab and its three remaining tehsils to the East Punjab. For the rest, notional division was confirmed.

The Award allocated to the East Punjab thirteen districts comprising the whole of the Jullunder and Ambala Divisions. In addition, the East Punjab had the whole of Amritsar district, three tehsils of Gurdaspur District and a portion of the Lahore District from the Lahore Division. The Award granted to the West Punjab sixteen districts comprising the whole of the Multan and Rawalpindi Divisions and the major portion of the Lahore Division, viz. the districts of Sheikhpura, Gujranwal, Sialkot and Lahore. In addition the West Punjab had the Shakargarh Tehsil of the Gurdaspur District. On the whole, the West Punjab received about 62 per cent and the East Punjab about 38 per cent of the area of the erstwhile united Punjab.[34]

The Award split the canal irrigation system which was so vital to agriculture in the Punjab. Perhaps, it was not possible to preserve the integrity of this system. Sir Cyril Radcliffe himself admitted this fact when he stated "I have not found it possible to preserve undivided the irrigation system of the Uppar Bari Doab which extends from Madhopur (in Gurdaspur District) to the western borders of the district of Lahore although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences."[35] Similarly, the head of the Depalpur Canal, which irrigated the West Punjab, was left in the East Punjab. Sir Cyril wrote "I must call attention to the fact that the Depalpur Canal which serves areas in the West Punjab takes off from the Ferozepur headworks and I find it difficult to envisage a satisfactory demarcation at this point."[36]

The Award could not keep intact the Mandi Hydro-Electric Sceheme either. It supplied electric powers to the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhina, Sheikhupura and Lyallpur. In anticipation of the dislocation and disruption of the system, the Governor of the Punjab, under the special powers granted to him by Section 9 of the Indian Independence Act 1947, issued "The Punjab Partition (Mandi Hydro Electric System Operation) Order 1947", by which this system was to continue to serve all the districts in the East Punjab and the West Punjab till

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34. Vide Chapter IV, *Partition Machinery*
35. Para 11, *Radcliffe Award*
36. Para 10, Ibid, vide Chapter X "*After Effects*"

November 15, 1947. without any financial obligation on the part of either Government.[37]

The district or tehsil boundaries, which had been demarcated by the settlement officers, were made the inter-national boundaries between India and Pakistan. Regarding the boundary line in the Gurdaspur District, it was stated : "The boundary shall follow the line of that river down the western boundary of the Pathankot Tehsil to the point where Pathankot, Shakargarh and Gurdaspur Tehsils meet. The tehsil boundary and not the actual course of the Ujh River shall constitute the boundary between the East and West Punjab."[38] At another place, it was stated : "It (the boundary) continues along the boundary between the districts of Ferozepur and Montgomery to the point where the boundary meets the Bahawalpur State. The district boundaries and not be actual course of the Sutlej River shall in each case constitute the boundary between the East and the West Punjab."[39] Making the district boundary lines the international boundary was perhaps the only solution as the rivers of the Punjab were not suitable to form the international boundaries.[40]

APPENDIX CHAPTER VI

Sir Cyril Radcliffe's Award

To His Excellency the Governor-General,

1. I have the honour to present the decision and award of the Punjab Boundary Commission which, by virtue of Section 4 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission.

2. The Punjab Boundary Commission was constituted by the announcement of the Governor-General, dated the 30th of June 1947, reference No. D50/7/47R. The members of the Commission thereby appointed were :

Mr Justice Din Mohammad,
Mr Justice Muhammad Munir,
Mr Justice Mehr Chand Mahajan, and
Mr Justice Teja Singh.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows :—

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37. V de Chapter IV, *Partition Machinery*
38. Para 1, Annexure A of Schedule attached with the *Radcliffe Award*, vide Appendix
39. Para 4, Ibid.
40. *The Geographical Journal*, London, April 1948, p. 203

> "The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. Numerous memoranda and representations were received.

5. The public sittings of the Commission took place at Lahore, and extended from Monday the 21st of July, 1947, to Thursday the 31st of July, 1947, inclusive, with th the exception of Sunday, the 27th of July. The main arguments were conducted by counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly ; but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all material submitted for our consideration.

6. After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained. I do not intend to convey by this that there were not large areas of the Punjab on the West and on the East respectively which provoked no controversy as to which State they should be assigned ; but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors", which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line. In those circumstances, my colleagues, at the close of our dis-

cussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

8. Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States interested in canals whose headworks were situated in the Punjab Province. I have taken the view that an interest of this sort cannot weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan, since the territorial division of the province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreement that either of these States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned. I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

9. The task of delimiting a boundary in the Punjab is difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in an around the area between the Beas and Sutlej Rivers on the one hand and the River Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of these cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission. I am conscious that there are

legitimate criticisms to be made of it ; as there are, I think, of any other line that might be chosen.

10. I have hesitated long over those not inconsiderable areas East of the Sutlej River and in the angle of the Beas and the Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Depalpur Canal, which serves areas in the West Pnnjab, takes off from the Ferozpore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tehsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore—Amritsar district boundary to mitigate some of the consequences of this severance ; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhupura and Layallpur. I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric-power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

12. I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in confiict as to their bearing on the placing of the boundary. If means to be found to gratify to the full these sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

New Delhi.

The 12th August, 1947 *CYRIL RADCLIFFE*

THE SCHEDULE

Annexure A

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh River enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tehsil to the point where the Pathankot, Shakargarh and Gurdaspur Tehsils meet. The tahsils boundary and not the actual course of the Ujh River shall constitute the boundary between the East and the West Punjab.

2. From the point of meeting of the three tahsils above mentioned, the boundary (line) between the East and the West Punjab shall follow the line of the Ujh River to its junction with the River Ravi and thereafter the line of the River Ravi along the boundary between the tehsils of Gurdaspur and Shakargarh, the boundary between the tehsils of Batala and Narowal, the boundary between the tehsils of Ajnala and Narowal, and the boundary between the tehsils of Ajnala and Shadara, to the point on the River Ravi where the district of Amritsar is divided from the district of Lahore. The tehsil boundaries referred to, and the actual course of the River Ujh or the River Ravi, shall constitute the boundary between the East and the West Punjab.

3. From the point on the River Ravi where the district is divided from the district of Lahore, the boundary between the East and the West Punjab shall turn southwards following the boundary between the tehsils of Ajnala and Lahore and then the tehsils of Tarn Taran and Lahore, to the point where the tehsils of Kasur, Lahore and Tarn Taran meet. The line will then turn south westward along the boundary between the tehsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh Jharollian. It will then run along the eastern boundary of that village to its junction with village Cathianwala, turn along the northern boundary of village, and then run down its eastern boundary to its junction with Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Pajhuwan. The line will then run down the eastern boundary of village Panjhuwan to its junction within village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with

village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run along the southern boundary of village and Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahaidepur on the nonrth and village Sheikhupura Kuhna, Kamalpuran, Fatehwala and Mahewala. The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahidepur and Machhike. It will then turn north-eastward along the boundaries between village Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke and Gajjal. From that point the line will along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur, and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern boundary of village Masteke to where it meets the boundary between the tehsils of Kasur and Ferozepore.

For the purpose of identifying the villages referred to in this paragraph, I attach a map authorised by the then Settlement Officer, Lahore District, which was supplied to the Commission by the Provincial Government.

4. The line will then run in a south-westerly direction down the Sutlej River on the boundary between the districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It continues along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case constitute the boundary between the East and the Wcst Punjab.

5. It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the

boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks and the boundary shall be adjusted accordingly.

7. So much of the Punjab as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

K.V.K. SUNDARAM
Officer on Special Duty

CHAPTER VII

THE PUNJAB BOUNDARY FORCE

The communal riots in the Punjab have been differently described by various persons. Stephens gives them the name of civil war and writes, "If non-military carnage and commotion estimated to have caused about 500,000 deaths .....cannot be called a civil war, it is hard to guess what it could be."[1] Brecher terms them "the war of succession" and explains in a footnote, "The term was coined by Sir Evan Jenkins, the last Governor of the undivided Punjab, to designate the communal riots in the Punjab."[2] According to Tinker, a large number of people were involved in these riots and he terms these riots as a "people's war"[3] Whatever we may call these civil disturbances, no one can deny that the Punjab was caught in the grip of communal riots in March 1947. The Punjab Disturbed Area Act and the Punjab Public Safety Ordinance were promulgated to meet the evil.[4] The military had been called out several times to quell the disturbances.[5] The Home Secretary of the Punjab Government gave the following figures of casualties in the districts of Multan and Rawalpindi in his communication No. 9418 dated 25th July 1947 :

District	*No. of persons killed or burnt alive*				
	Hindus	*Sikhs*	*Muslims*	*Other*	*Total*
Multan	171	1	14	—	186
Rawalpindi	2263	—	38	—	2301
	No. of persons injured				
Multan	87	2	59	19	167
Rawalpindi	234	—	126	—	360

1. Ian Stephens, *Pakistan*, London 1963, p. 80
2. Brecher, *Nehru, A. Political Biography*, London 1959, Foot Note pp. 318-19.
3. Hugh Tinker, *Indian and Pakistan*, London 1962, p. 107.
4. Punjab Government communique dated March 19, 1947. *The Tribune*, dated 20th March 1947.
5. Northern Command Communique, *The Tribune*, 23rd March 1947.

	Value of property burnt
Multan	Rs. 20,00,000 (Hindu property approx.)
Rawalpindi	Rs. 14,00,006 —do—

Regarding these figures the Deputy Commissioner of Rawalpindi stated, "greater accuracy is not possible owing to the wide-spread nature of the disturbances and the breakdown of the normal administrative machinery. The figures of lives lost are believed to be the minimum and information has been obtained from the cases registered with the police. The figures of property destroyed are also the minimum and are based on claims for compensation received so far. They did not include losses inflicted where the population was wiped out and no claims were made."[7]

Before August 15, 1947, the communal riots in the Punjab took the worst turn in some of the districts where there were British Deputy Commissioners. These districts were Rawalpindi, Multan, Lahore and Amritsar. Pandit Jawahar Lal Nehru, therefore, stated, "In the Punjab where there was cent per cent Birtish rule, despite the efforts of certain senior officers murder and arson continued. The trouble was prevalent most where there were British officers in charge and the divisions under the control of either Hindu or Muslim officers, were comparatively quiet."[8] Again, he said, "The British were no longer interested because they are leaving. This probably explains why some officers asked the victims who came to them for help to go to me or Sardar Patel for help. They are not desirous of shouldering any further responsibility and may have become callous."[9] According to Frank Moreas "a few British officials had their hearts fully in the primary job of maintaining law and order. In the minds of some of them the prospects of civil chaos in India on the eve of Independence was not without its allurement. What better testimony to the inability of Indian rulers and administrators to control the communal situation once the strong arms of British authority was withdrawn."[10]

Ever since the outbreak of the communal disturbances in the districts of Rawalpindi and Multan during the month of March 1947, the communal situation had not improved. Sir George Abell,

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6. The Home Secretary of Punjab's letter to Secretaries of the Punjab Boundary Commission, Appendix J. *P.P.* Vol. VI, p. 228.
7. *P.P.* Vol. VI, p. 228
8. D.R. Bose, *New India Speaks*, 1947 (Speeches of Pandit Nehru), p. 162
9. Ibid., p. 165
10. Frank Moreas, *Jawahar Lal Nehru*, New York 1956, p. 329

Pandat Jawahar Lal Nehru in Amritsar after the
March riots in 1947.

Private Secretary of the Viceroy, visited Lahore in the last week of April and reported that the situation was serious. According to Sir Evan Jenkins, there was "a grave danger of civil war."[11] Sir Malcolm Darling who had served in the Punjab for a number of years also visited Lahore in April and noticed that there was extreme tension and "the province was a smouldering valcano."[12] When the Partition Plan was announced, the situation in the Punjab had not improved. Simultaneously with the announcement of the Partition Plan, "Firm Action to be taken" orders were issued. Major General J.C. Bruce, the Commander of the Lahore Area, issued a special order in which he declared on the 3rd June, "if unfortunately disturbances do arise from the forthcoming announcement on the future constitution of India we are well placed in dealing with them."[13]

The Punjab was now divided into three military divisions. The civil divison of Rawalpindi was put under the command of Major General Lovett. The civil divisions of Lahore and Multan plus districts of Kangra and Ferozepur were placed under the command of Major-General Bruce. The civil divisions of Jullundur and Ambala minus Gurgaon District were under the command of General Rees, G.O.C., Northern Command. Lieut.-General Sir Frank Messervy was in overall charge of these commands. He was to have his tactical headquarters at Lahore. At Lahore, Amritsar Jullundur and Multan, that substantial forces with tanks and artillery had been stationed and in other important towns like Ferozepur and Lyallpur adequate forces had been in readiness. The total strength of the military in these places was approximately three regiments of armoured crops, six regiments of artillery, 27 battalions of infantry with due proportion of engineers, signals, medical supply and transport units.[14] All these arrangements had been made in close consultation with the civil authorities.

The Governor of the Punjab, Sir Evan Jenkins, formed a Security Council in order to maintain law and order in the province. It comprised three party leaders in the Legislative Assembly, viz. Khan Iftikhar Hussain of Mamdot, the leader of the Muslim League Assembly Party, Bhim Sen Sacher, leader of the Congress Party, and Sardar Swaran Singh, leader of the Akali Party. It met daily

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11. Alan Campbell Johnson, *Mission with Mountbatten*, page 73
12. The Punjab Disorders, *The Hindu*, Madras. dated Oct. 11. 1947
13. *C. & M.*, Lahore. 3rd June, 1947
14. The Press Communique issued by J. C. Bruce of Lahore Command, *C. & M.*, 3rd June, 1947

to review the law-and-order situation in the Punjab and more particularly in Lahore.[15] But this Security Council could not work, as the Muslim League withdrew its representative from this body.'[16] It had been openly asserted that the Muslim League was responsible for the worsening of the situation. Its representative obviously did not like to take the responsibility for the stern measures which were likely to emanate from this body or which came for implementation to it. Moreover, the Viceroy wanted the Punjab leaders to issue a statement assuring minorities of fair treatment. Sardar Swaran Singh reported to the Partition Council that he "had been unable to persuade any of the Sikh leaders to sign the statement and it was embarrassing for him to sign it without their support and in such a case it would have little practical value."[17] Thus the Sikhs had also practically pulled out of the new machinery.

The authorities in New Delhi were not unaware of the mounting tension in the Punjab. Lord Ismay writes, "Nevertheless, I was worried at the prevalence of the idea that it was all now going to be plain sailing. I thought that there were still many fearful obstacles to be overcome and I was particularly worried about the Sikhs. This warrior sect, which provided many thousands of splendid recruits for the Indian Army, had every cause to feel aggrieved. Out of their total population in India of some five and a half million, no less than four millions were domiciled in the Punjab. It was, therefore, certain that wherever the boundary line was drawn roughly two millions Sikhs would soon find themselves citizens of Pakistan, and that many of their holy places would be under the domination of men of an alien-and to them a repugnant, faith."[18] One of the measures which was adopted to deal with the Sikhs was to appoint Major. J.M. Short on the staff of Lord Ismay. Though the idea was originally moved by Sardar Baldev Singh, Defence Member of the Interim Government, the Viceroy readily agreed to it, because Major Short had worked among the Sikhs for recruitment to the Army during the war and he had some influence with the Akali leaders. He was brought to India on the 22nd July, 1947, by Lord Ismay to work as his personal assistant. Major Short lived at the residence of Sardar Baldev Singh. His impression was that the Sikhs were not satisfied with the 3rd June Plan.[19]

15. Ibid, dated June 28, 1947
16. *P.P.* Vol. IV, page 186
17. Ibid, page 431
18. *Memoirs of Lord Ismay*, London, 1962, page 420
19. Statement, Major J.M. Short sent to the writer.

Sir Evan Jenkins, the Governor of the Punjab, appears to have sent several letters to the Central Governments depicting the political tension in the Punjab. A few of these letters he gave to Leonard Mosley who published them in the *The Last Days of the British Raj.* One letter relates to his interview he gave to Giani Kartar Singh, an influential Sikh leader. Jenkins wrote to the Viceroy :

"Giani Khartar (Sic) Singh came to see me about the Indian Independence Bill and the Boundary Commission .... He said that in the Punjab there would have to be an exchange of populations on a large scale. Were the British ready to enforce this ? He doubted if they were, and if no regard was paid to Sikh solidarity, a fight was inevitable.....Giani then said (that) neither had (Sikhs) viewed partition as being based on population alone. The Sikhs were entitled to their own land just as much as the Hindus and the Muslims. They must have their shrine at Nanakana Sahib, at least one canal system and finally arrangements must be made so as to bring at least three quarters of the Sikh population from the West to the East Punjab. Property must be taken into account as well as population in the exchange, as the Sikhs on the whole are better off than the Muslims. Giani said that unless it was recognised by His Majesty's Government, the Viceroy and the Party leaders that the fate of the Sikhs was a vital issue, there would be trouble.....they would be obliged to fight.. that the Sikhs realised that they would be in a bad position, but would have to fight on revolutionary lines by murdering officials cutting railway lines, destroying canal headworks and so on...Finally the Giani appealed to me to do all I could to help the Sikhs during a period of trial. He said I surely could not wish to abandon the Punjab to tears and booldshed. There would be tears and bloodshed here if the boundary problem was not suitably solved. The Giani was matter of fact and quiet throughout our conversation but wept when he made his final appeal. This is the nearest thing to an ultimatum yet given by the Sikhs. They are undoubtedly puzzled and unhappy. I see no reason to suppose that they have lost the nuisance value they have in the past possessed over a century."[20]

It may be pointed out that it was not possible for the Viceroy at that time to change the basis of partition which had been agreed to by the major parties. Had the Viceroy included Sikhs solidarity or Sikh shrines or even Sikh lands as one of the factors for determining the boundary line in the Punjab, Mr Jinnah would have

20. Leonard Mosely, *The Last Days of British Raj*, London, 1963 page 205-7

rejected the 3rd June Plan and would have created a deadlock. It was, therefore, not possible for the Viceroy to change the basis of partition and risk the entire settlement based on the 3rd June Plan which was being implemented.

The political pressure exerted by the Sikh leaders by means of resolutions, etc. on the 8th of July, which they celebrated as Nanakana Sahib Day have had a very adverse effect on Mr Jinnah, who at the very outset said in the meeting of the Partition Council held on the 10th July, "Although he was doing everything in his power to retain a hold over the Muslim sections of the population concerned to honour the undertaking given that the findings of the Boundary Commission, whatever they were, would be accepted, he had noticed that the Sikh leaders were still reported to be inciting their followers to offer active resistance to the decisions which they might regard as unfavourable. It was reported that active preparations were being made and oaths to resist were being taken." The Viceroy said in reply to Mr Jinnah's remarks, "he had made it abundantly clear to His Highness the Maharaja of Patiala, S. Baldev Singh, Master Tara Singh and all other Sikh leaders, with whom he had interviews, the consequences of any attempt to offer active resistance. No responsible government would tolerate for a moment such action which would be met by the immediate employment of the regular armed forces of India. In view of superiority in aeroplanes, tanks, artillery, etc. that the armed forces enjoy, such action would inevitably result in very severe losses being inflicted on those who would only be armed with rifles and out-of date weapons."[21] The Viceroy had also assured Maulana Azad "At least on this one question I shall give you complete assurane. I shall see to it that there is no bloodshed and riot. I am a soldier not a civilian. Once partition is accepted in principle, I shall issue orders to see that there are no communal disturbances, anywhere in the country. If there should be the slightest agitation, I shall adopt the sternest measures to nip the trouble in the bud. I shall not use even the armed police. I will order the Army and Air Force to act and I will use tanks and aeroplanes to suppress any body who wants to create trouble."[22]

Commander-in-Chief's Proposal for Boundary Force

Lord Mountbatten was very keen to maintain law and order for the implementation of the 3rd June Plan. He, therefore, asked the

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21. *P. P.*, Vol. IV, page 146
22. Maulana Abul Kalam Azad, *India Wins Freedom*, Calcutta, 1959, page 190

Commander-in-Chief on the 10th July to prepare a plan of action in the event of possible clashes or disturbances in the neighbourhood of boundaries between the two Dominions. The Commander-in-Chief wrote to the Viceroy :

"Dear Lord Mountbatten,

I was asked by Your Excellency at a recent meeting of the Partition Council to prepare a plan in case of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after the 15th August.

I recommend that the Joint Defence Council should have the authority of both India and Pakistan Governments to declare any affected districts to be 'disturbed area'.

When this has been done, the Supreme Commander acting on the request of the Joint Defence Council will specially appoint a British Commander with an adequate H.Q.,[23] who will have military control over the area and of such troops and air force as are considered by him to be necessary. These troops etc. should be allotted by the Commander-in-Chiefs of the two Dominions at the request of the Joint Defence Council.

The British Commander, so appointed, will be responsible to the Joint Defence Council through the Supreme Commander who, for this purpose, will temporarily have operational control.

The above procedure would be similar to arrangements I would make for disturbances on the boundary before the 15th August and will apply both in the Punjab and Bengal.

Yours sincerely,
C.J. Auchinleck."[24]

Punjab Boundary Force

The proposals of the Commander-in-Chief were discussed on the 17th July in the meeting of the Partition Council to which the Commander-in-Chief had been specially invited. During the course

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23. It was decided on the 30th June to establish a Joint Defence Council under the then Commander-in-Chief. The Joint Defence Council was to consist of Governors-General of India and Pakistan and the Defence Ministers and other representatives of both the Dominions. Para No. 7, Minutes of the Second Meeting of the Partition Council, dated 30th June, 1947.
P.P., Vol. IV, page 98
The Governor-General issued the Joint Defence Council Order on August 11, 1947. This order was subsequently amended after the 15th August by the Joint Defence Council (Amendment) Order 1947.
24. Sixth Meeting of the Partition Council, *P.P.*, Vol. IV, page 169

of discussion, it was made clear that there was no need of establishing any special military force in Bengal. Such force was required only in the Punjab where the situation was reported to be tense. As this force was especially to be established to check border clashes in the Punjab, it subsequently came to be known as "Punjab Boundary Force." The following decisions were made regarding this force :—

1. "that action to deal with disturbances in the neighbourhood of the boundaries between the two Dominions on or after the 15th August should be on the lines suggested by the Commander-in-Chief.
2. "that Major-General Rees, Commander of the 4th Division, should be appointed Joint Commander on behalf of both Dominions to control all troops operating in the defined areas in the Punjab and that the chain of control from the two Dominion Governments to Major-General Rees should be through the Joint Defence Council and Supreme Commander.
3. "that the troops should be in position by the 7th or 8th of August at the latest.
4. "that there should be no change in the law governing the use of troops in aid of civil power after the 15th August for such period as these forces were employed on this work."[25]

Disputed Districts

The Commander-in-Chief's recommendation that "the Joint Defence Council should have the authority of both India and Pakistan Governments to declare any "affected districts" to be disturbed area could not be accepted because, according to the Government of India Act of 1935, law and order was a provincial subject and the Central Government was not empowered to declare any area of British India as a "disturbed area". Fortunately, the Punjab Government had its own Punjab Disturbed Areas Act 1947, which was already in force in certain districts of the Punjab. Since this Act was to be effective in the East Punjab and the West Punjab separately after the 15th August, it was decided that the Viceroy's staff in consultation with the representatives of the East Punjab and the West Punjab Governments and the Governor of the Punjab should decide the areas which were to be declared as "disturbed areas."[26]

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25. *P.P.*, Vol. IV, p. 181, Case No. PC/47/6/47
26. Item No. 3, Partition Council's proceedings dated 22nd July, 1947, *P.P.*, Vol. IV, p. 233

After discussing the matter with the Governor of the Punjab, Commander-in-Chief, and the Punjab Partition Committee, it was recommended to the Partition Council that the following districts should be declared as disturbed areas and included in the zone where the Punjab Boundary Force was to operate : Sialkot, Gujranwala, Sheikhupura, Lyallpur, Montgomery, Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur, Ferozepur.[27] On the 24th July, the Viceroy added the Ludhiana District to the list given above on the ground that "all parties concerned had agreed to it."[28]

Regarding the personnel of the Punjab Boundary Force, it was decided by the Partition Council on the 17th July that the Commander-in-Chief would nominate a Muslim and a non-Muslim officer of suitable seniority as advisers on Major-General Ree's staff.[29] On the 24th July, the Viceroy nominated Colonel Ayub Khan, who later on became the President of Pakistan, as an adviser to General Rees, Commander of the Punjab Boundary Force. Brigadier Digamber Singh was nominated from the Indian side.[30] After taking over charge of his specified districts, Major-General Rees declared in a press conference at Lahore on August 4, 1947 that the Punjab Boundary Force was responsible for maintaining law and order, working in collaboration with the civil authorities.[31]

The Communal Riots

In the beginning of August 1947, rioting broke out all over the Punjab and the situation worsened as the date of the transfer of power drew nearer. The Pakistan Government subsequently brought out a number of brochures to prove that the Sikhs were mainly responsible for these riots. It was argued that in order to carve out their state, the Sikhs had planned to kill the Muslims in an organized manner. The Sikh States of Patiala, Nabha, Jind and Faridkot provided them with ammunition with the result that there started wide-spread communal riots in the beginning of August.[32] A separate booklet was issued relating to the Rashtrya Swayam Sewak Sangh, a Hindu organization, and it was stated that they had joined the Sikhs in order to kill Muslims in the East Punjab. In the

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27. *P.P.*, Vol. IV, page 233
28. Ibid, page 247
9. Ibid, pages 181-182
30. *P.P.*, Vol. IV, page 247
31. *C. & M.*, August 5, 1947
32. Pakistan Government's Publications regarding the Punjab riots are :—
A Note on the Sikh Plan ; Sikh Plan in Action ; Rashtrya Swayam Sewak Sangh ; Tribal Repercussions.

meetings of the Security Council, Sir Mohammad Zafarullah, the Pakistan Government representative, linked the tribal invasion of Kashmir with the communal riots in the East Punjab resulting in the mass-killing of the Muslims.[33] The East Punjab Government and the Indian Government issued a number of pamphlets stating that the August riots in the East Punjab were a repercussion of riots in the West Punjab[34] since March 1947. Several books published in India concur with this view.[35] Mr Seetalvad, Indian representative in the Security Council, in reply to Sir Mohammad Zafarullah Khan dealt with this point at great length.[36]

No Pakistan publication makes mention of the riots in March 1947 in which the Hindus and the Sikhs had been entirely wiped out in several villages. Whatever be the genesis, the technique and subsequent development of the pre-partition and the post-partition communal riots in the Punjab, the following facts can hardly be denied by any party :

1. In the Punjab, the communal riots first started in the Muslim-majority areas in the West Punjab in March 1947 and not in August 1947.
2. The Hindus and the Sikhs, who had been victims of communal riots in the districts of Rawalpindi, Multan, Attock, etc. migrated to the eastern districts of the Punjab. This created tension and communal hatred wherever they settled.
3. From March to August 1947, there had been communal rioting in the Punjab at short or long intervals.

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33. *United Nations Security Council's Official Record* 3rd Year 226th-240 meeting 1948, page 46
34. East Punjab and Indian Government's Publications :—
    1. *Orphans of the Storm*
    2. *Millions on the Move*
    3. *After Partition*
35. Some of the books published in India regarding communal riots are :—
    1. *Muslim League's Attack on the Sikhs and Hindus* by Shiromani Gurdwara Parbandhak Committe, Amritsar
    2. *Stern Reckoning* by G.D. Khosla, New Delhi
    3. *Inside Pakistan* by K.L. Gauba, Bombay
    4. *Now it can be told* by A.N. Bali, Jullundur
36. *United Nations Security Council's Official Record*, 3rd year 226th-240 meeting 1948, page 174
    Mr. Seetalvad *said*, "The refugees brought with them tales of horror and woe .... gave rise to a desire to exact retribution and retaliate on the Muslim population."

4. If it is to be taken as true that the Sikhs received ammunition from the Sikh States, it was equally true and, in fact, it had been proved in the Mamdot Enquiry in a Lahore Court in 1949 that the Punjab Muslim League leaders purchased in 1946 hand granades, jeeps and other war material.[37]

The "Punjab's virile hot-headed people"[38] began now to work in a spirit of vengeance. The retired Sikh army men along with the Sikh soldiers of the disbanded Indian National Army organised small squads to kill the Muslims.[39] The Muslims retaliated. Attacks by the Muslims in the West Punjab were followed by counter-attacks by the Sikhs and the Hindus in the East Punjab. Reprisal followed retaliation till the whole province was a seething cauldron of hate and bestial passions. The poison affected the unlettered and the ignorant masses as well as the educated middle classes. It spread to the officials, police and army. The Muslims and the non-Muslims vied with each other in degrading themselves to the lowest level of barbarity. The grim sport of murder and repine flowrished on both sides of the Punjab with equal ferocity. It is impossible to ascertain the actual number of casualties as there was a complete breakdown of the civil administration in both the Punjabs after the 15th August. However, a popular estimate of casualties is about half a million. According to Khosla ....."the loss of non-Muslim life has been estimated at a figure between 200,000 and 250,000. It is believed that an equal number of Muslims perished."[40] "*The First Year of Pakistan*" mentions "the massacre of half a million men, women and children."[41] Ian Stephens and Michael Edwardes give the casualty figures to be 500,000 and 600,000 respectively.[42] But the estimate of those Britishers who were actually amidst that holocaust are more reliable. Lord Mountbatten intimated to Sir Francis

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37. Richard Symonds, *Making of Pakistan*, London 1949, page 82.
38. Sir Malcolm Darling, *At Freedom's Door*, London 1949, page XII.
39. In the first session of East Punjab Assembly Armed Bands (arrest and detention). Bill was introduced on the 3rd November. Sardar Swaran Singh while introducing the Bill said, "During the last two months or so.....certain elements in our society.....have taken to arms and formed themselves into bands and have been committing offences."
East Punjab Assembly Debates (From 1st November to 8th November, 1947), Vol. I, page 48
40. G.D. Khosla, *Stern Reckoning*, page 299
41. *First Year of Pakistan*, Pakistan Govt. publication, page 131
42. Ian Stephens, *Pakistun*, London 1963, page 80 and *Last Years of the British India*, London 1963, page 223

Mudie the following districtwise figures of casualties in the various districts of the West Punjab after August 15, 1947 :

1.	Dera Ghazi Khan	...	250
2.	Muzafargarh	...	500
3.	Multan	...	2,500
4.	Montgomery	...	2,000
5.	Lyallpur	...	500
6.	Sheikhupura	...	10,000
7.	Jhang	...	1,500
8.	Mianwali	...	4,500
9.	Lahore	...	10,000
10.	Gujranwala	...	4,000
11.	Sialkot	...	3,500
12.	Gujrat	...	3,000
13.	Jhelum	...	3,000
14.	Sargodha	...	3,500
15.	Attock	...	3,000
16.	Rawalpindi	...	4,500
17.	Bahawalpur	...	3,000[43]
		Total	59,250

Lord Mountbatten's estimate coincides with the figure of casualties calculated by Sir Penderal Moon who writes, "In December 1947, I made some calculations regarding the number of persons killed in the West Punjab and Bahawalpur. I had pretty accurate knowledge of the casualties both in Bahawalpur State itself and in the immediate adjacent West Punjab districts. Regarding several other districts, I had good information from old subordinates, especially among the magistracy and police with whom I was in touch. I was thus able to reach fairly procise figures for about half the districts of West Punjab and on the basis of those to make intelligent guesses regarding the remainder. These calculation led me to certain figures for the total casualties from August onwards in the West Punjab and Bahawalpur. The figure was 60,000."[44] According to Moon, the casualties in East Punjab and the East Punjab States had been heavier than in the West Punjab.

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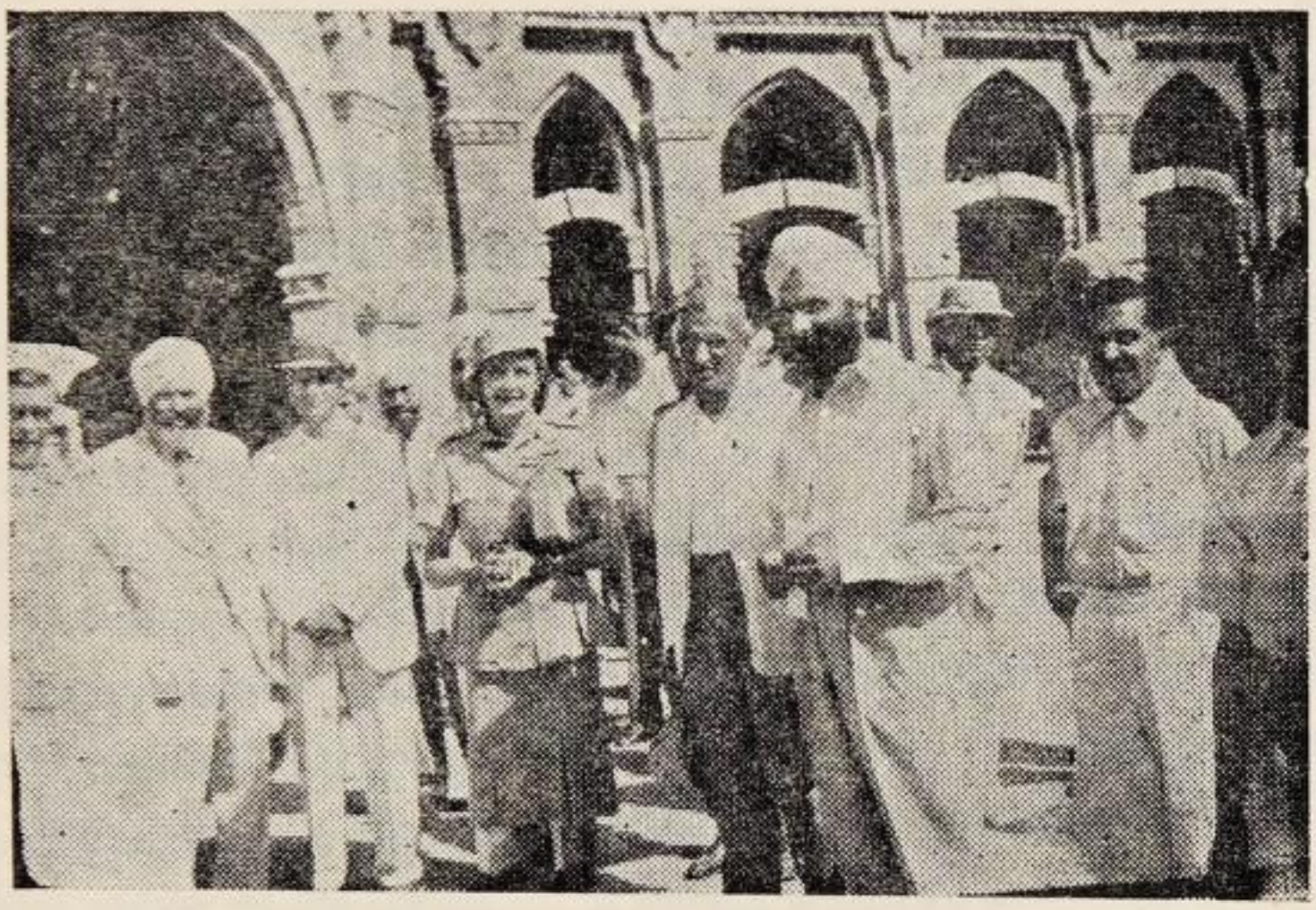
43. Lord Mountbatten's letter to Sir Francis Mudie dated July 25, 1962. The writer noted these figures from the original letter.
44. Penderal Moon, *Divide and Quit*, London 1961, page 293



Lady Mountbatten visititing Victoria Jubilee Hospital in riot-affected Amritsar after Independence.

"But these were not twice as high." According to Moon, the total casualties were near about 200,000.[45]

Work of the Punjab Boundary Force

The area entrusted to the Punjab Boundary Force constituted twelve districts and that area excluding Sheikhupura District was larger than the area of Scotland and Wales combined. It included 26 towns and nearly 17,000 villages with an area of about 37,500 square miles.[46] It was found to be too big an area for the two Divisions of the Punjab Boundary Force to control. *The Civil and Military Gazette*, an Anglo-Indian paper of Lahore, commented that the situation had been so grave that had the entire force of India and Pakistan been employed, it could not have brought the situation under control. Under these circumstances, the Punjab Boundary Force could not work efficiently.[47] It was, therefore, decided in the Joint Defence Council's meeting held on the 25th August in New Delhi that the area covered by the Punjab Boundary Force should be reduced as rapidly as practicable.[48]

The Punjab Boundary Force did its best to quell the ever-increasing lawlessness but with little success. Some of the most gruesome tragedies were enacted in the area entrusted to it by its own units. The Baluch Regiment, a Muslim force, worked havoc in the town of Sheikhupura in the West Punjab where hundreds of Hindus and the Sikhs were massacred. Consequently, the Officer Incharge of this regiment was arrested, pending court martial and the troops were confined to barracks and the C.O. was suspended.[49] The Inspector-General of Police, East Punjab, prepared a report based on daily information issued from the Punjab Boundary Force from the 15th to the 31st August, 1947 indicating the number of casualties in the West Punjab districts under the Punjab Boundary Force. In the East Punjab districts placed under this force, disorders were not less alarming. In the Gurdaspur District, troops were reported to have shot dead over 600 Sikhs, while quelling the disturbances.[50] The Punjab Boundary Force's communique published on August 30 rightly summed up the situation when it stated that "The overall

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45. Ibid, page 283
46. John Connel, *Auchinleck*, page 803
47. *C. & M.* 27th August, 1947
48. Ibid.
49. Sir Francis Tuker, *While Memory Serves*, page 491
50. *P.B.R.* Inspector-General of Police East Punjab's Report, dated Sept. 8, 1947. File No. C.F. 679—ER—48

situation in the areas of the Punjab Boundary Force can nowhere be described as satisfactory."[51] *The Civil and Military Gazette*, Lahore described the situation as "veritable civil war" and quoted the instances of communal riots at Sialkot and Sheikhupura. It commented editorially on the 30th August "when the full story of Sheikhupura is known, it will stagger the world."

Abolition of the Punjab Boundary Force

The troops of the Punjab Boundary Force played havoc in the East Punjab in several towns. The Chief Minister of the East Punjab wrote to Pandit Jawahar Lal Nehru, the Prime Minister of India, "I have received complaints of atrocitics and excesses committed by Muslim military, both in Jullundur and Gurdaspur Districts. Kartarpur, Adampur, Thindaur Police Stations are affected. A Magistrate in Gurdaspur has been reported to be killed and the military helps these excesses. I would, therefore, suggest that you wire General Rees as well as Commander-in-Chief to withdraw this military."[52]

Sir Francis Mudie, the Governor of the West Punjab, was not at all satisfied with the working of the Punjab Boundary Force. He told the writer that he wrote a very strong letter to the Viceroy, urging him to abolish this force and entrust the responsibility of law and order to the governments concerned.

In order to take immediate steps to stem the tide of disorders, a special meeting of the Joint Defence Council was held on the 29th August. It was attended by the Governors-General of India and Pakistan and was presided over by Lord Mountbatten. The Prime Minister of India (Pandit Jawahar Lal Nehru), the Prime Minister and the Defence Minister of Pakistan (Mr. Liaqat Ali Khan), the Defence Minister of India, (Sardar Baldev Singh) the Communication Minister, Pakistan (Mr. Abdur Rab Nishtar), the Governor, East Punjab (Sir Chandu Lal Trivedi), the Governor West Punjab (Sir Francis Mudie), the Commander-in-Chief, Pakistan Army (General Sir Frank Messervy), Supreme Commander (Sir Claude Auchinleck) ; the Commander-in-Chief Indian Army (General Sir Rob Lockhart) and the Commander of the Punjab Boundary Force (Major-General Rees) were present. It was decided that as the task allotted to the Punjab Boundary Force for helping to maintain law and order in the disturbed areas has now grown out of all proportion

51. *C. & M.*, 30th August, 1947
52. *P.B.R.*, C.F. 677-ER-48, page 4

to the responsibilities originally placed upon it, this force should be abolished with effect from the midnight 31st August/1st September.[53] It was also decided that India and Pakistan would each set up a new military headquarters to control the areas which form part of the boundary area. In the case of India, the 4th Divisional Headquarters would take over the area on the Indian side of the frontier, comprising the civil districts of Gurdaspur (as reconstituted), Hoshiarpur, Jullundur, Ferozepur, Amritsar, the separated part of Lahore District and Ludhiana. This area was to be directly under Indian Army Headquarters. In the case of Pakistan, the Lahore Area Headquarters was to control the boundary area which included the Shakargarh Tehsil, Gujranwala, Lahore, Sheikhupura, Lyallpur and Montgomery Districts. Regarding the forces which constituted the Punjab Boundary Force, it was decided that all the units of the Punjab Boundary Force belonging to the Army of India to be located on the Indian side of the frontier and all units of the Pakistan Army on the Pakistan side. The mixed units were to be split up and the Muslims were located on the Pakistan side and the non-Muslims on the Indian side.[54]

The abolition of the Punjab Boundary Force was a bold and wise step. It ended the joint control and placed the responsibility of maintaining law and order in their respective areas on the Indian and Pakistan Governments. Since communal rioting was not confined to the districts under the control of the Punjab Boundary Force, it enabled both the East Punjab and the West Punjab Governments to deal with the situation as a whole. Moreover, after the 15th August, the Punjab Boundary Force was the only force left which had Muslim, non-Muslim and mixed units. In that vitiating atmosphere of communal rioting, this force could not remain immune from communal frenzy and act according to the traditions of impartiality. Alan Campbell Johnson has said, "Steady and experienced troops began to feel the tug of communal loyalties deeper even than their military discipline."[55]

The Punjab Boundary Force was organized out of the nucleus of the 4th Division and was increased to a strength of five infantry brigades plus local troops of units and formations of the equivalent of about two divisions. But the strength of many of these units

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53. *P.B.R.* Communique regarding Joint Defence Council's meeting held on 29th August, No. C.F. 679-ER-48
54. Ibid.
55. *Mission with Mountbatten*, page 176

was far below their proper establishment.[56] Thus General Rees never had the full strength of his command while dealing with the grave situation prevailing.

When the Punjab Boundary Force took up its duties, the situation had already deteriorated. General Ree's description of it is : "Communal bitterness was at peak and the masses were egged on and inflamed by shock groups of resolute and well armed men determined to fight."[57] Evidently, from the very outset the Punjab Boundary Force had to engage itself to put down "a large-scale continuous and relentless civil war."[58] According to John Connel, the biographer of Auchinleck, "Appeals for military protection were multiplying. The whole refugee problem was rapidly assuming the proportions of a major eruption, to cope with which the civil administration had no more resources"[59] except to call the army. The Punjab Boundary Force was a sort of a "neutral force to assist the civil power to maintain law and order in the disputed area."[60] But there existed practically no civil authority to be assisted by or to assist the Punjab Boundary Force. The police and civil intelligence services on which it was essential to rely in that extraordinary crisis had broken down.[61] It is estimated that it would have been very difficult even for a strong provincial administration working at a high peak of efficiency to curb the communal riots in August 1947. Field Marshal Auchinleck rightly assessed the situation, when he wrote to General Rees : "The complete breakdown of civil administration on both sides of the border to carry out their most ordinary duties placed a burden on you and the troops which was quite beyond their power."[62]

APPENDIX CHAPTER VII

Plan of action in the event of possible clashes or disturbances in the neighbourhood of the boundaries between the two dominions after 15th August.

"His Excellency said that he had not had an opportunity to discuss the note before the Council with the Commander-in-Chief. He felt that if the procedure suggested by the C.-in-C. were agreed

56. John Connel, *Auchinleck*, page 902.
57. Ibid, page 903
58. Ibid, page 903
59. Ibid, page 905
60. Ibid, page 901
61. Ibid, page 903
62. Ibid, page 911

to, it would be essential that the two Dominions should make it clear that they took full responsibility for the association of British officers who would be employed on this work and that these officers were acting under instructions from the Dominion Governments. He would have a draft statement prepared for the approval of both sides covering this point, conveying their earnest and sincere assurances to the minorities that their rights would be protected and that both Governments would adopt a noreprisals policy, and warning all concerned that in the event of trouble the full weight of the proposed machinery would be brought to bear for its suppression.

"The Commander-in-Chief said that the disturbed areas in which this machinery would be brought into operation would have to be defined, preferably to correspond with civil districts, by the two Governments or the Partition Council. The troops employed would be Indian, but there would be a number of British officers in command. His staff was working out details of the possible areas which might be involved and the number of troops required based on past experience. It was important to employ units of mixed class composition as a recent experience had shown that where a battalion composed entirely of one class of soldiers was used, there were likely to be charges of partiality. So far as the Punjab was concerned it was his intention to use the 4th Indian Division commanded by Major-General Rees which was already in the area. He would attach to Major-General Rees' staff a senior Muslim Officer and a senior non-Muslim officer as advisers.

"Continuing, the Commander-in-Chief emphasized that for the sake of avoiding confusion in the minds of officers and men who were conversant with the existing law governing the use of troops in aid of civil power, there would be no change after the 15th August in that law for such period as these forces were employed on this work.

"In the course of subsequent discussion, the following points were made :

(*a*) It was not anticipated that there would be very serious trouble in Bengal with the possible exception of the city of Calcutta. If, however, the necessity arose, the same principles should apply in that province. His Excellency said that he had asked the Governor of Bengal to give him an appreciation of his ability to maintain law and order in Calcutta and Bengal generally on the date the decision of the Boundary Commission was announced.

(*b*) The troops in the disturbed districts of the Punjab should be in a position by about the 7th or 8th of August.

(*c*) The Joint Defence Council should be constituted in sufficient time to meet in a preliminary way by the first week of August In the event of the Defence Member of Pakistan not being able to attend meetings summoned urgently to take decisions on operational questions, as opposed to policy questions, the Pakistan High Commissioner in Delhi might be nominated as his representative.

(*d*) The High Commissioner would be at a disadvantage for this purpose, as he would be without expert advice. In cases of urgency, it would be preferable for the two Governors-General to discuss the matter over the secraphone, and to agree upon a line of action.

(*e*) Generally speaking, 3 days' notice of an intended meeting of the Joint Defence Council should be given.

(*f*) The legal authority of the Joint Defence Council to declare martial law in an area should be examined. The whole question of the composition, powers, responsibility, etc., of the Joint Defence Council would have to be considered separately.

DECISIONS

The Council agreed—

(1) That action to deal with disturbances in the neighbourhood of the boundaries between the two Dominions on or after the 15th August should be on the lines indicated in the Commander-in-Chief's note.

(2) that Major-General Rees, Commander of the 4th Division, should be appointed Joint Commander on behalf of both Dominions to control all troops operating in the defined areas in the Punjab, and that the chain of control from the two Dominion Governments to Major-General Rees should be through the Joint Defence Council and the Supreme Commander. The Council noted that the Commander-in-Chief would nominate a Muslim and a Sikh officer of suitable seniority as advisers on Major-General Rees' staff.

(3) that the zones in which the troops would have to operate should be defined by H. E's staff in consultation with the Commander-in-Chief and submitted to the Partition Council for approval.

(4) that troops should be in position by the 7th or 8th of August at the latest.

(5) that there should be no change in the law governing the use of troops in aid of the civil power after the 15th August, for such period as these forces were employed on this work.

(6) that details of the organization and the formal resolution of both Governments in the case of trouble should be incorporated into the statement which H E. was having prepared for issue over the signatures of the members of the Partition Council regarding protection of minorities' rights, assurances of 'no reprisals', and the fact that such British officers as would be engaged in this work were acting under express instructions from and were directly responsible to the two Dominion Governments.

(7) that a paper should be prepared on the composition, powers and responsibility of the Joint Defence Council for consideration by the Partition Council.

Partition Proceeding, Vol. IV, pages 181-183

CHAPTER VIII

NATURE AND CAUSES OF MIGRATION

In the words of O.H.K. Spate, the partition of the Punjab "enforced movements of the people on a scale absolutely unparalleled in the history of the world."[1] "There must be many examples in the bloody history of mankind where the extent of violence has been as great or even greater but it is probably true that there has never been such a huge exchange of population",[2] says Harace Alexander. According to Stephen P. Landas, the Convention of Neviely 1929 between Bulgaria and Greece and the Convention of La-Usanna 1923, between Greece and Turkey both "caused the uprooting of two million people."[3] But in the case of the East Punjab and the West Punjab, more that eight million people crossed the border.[4] The exchange of population between Turkey and Greece, hitherto known as the biggest of its kind was accomplished in a year or so, whereas in the East Punjab and the West Punjab the transfer of eight million people was completed in three months.[5] In Bulgaria and Greece, the national minorities had the "right of leaving the country of origin and emigrating to the other country under conditions which would guarantee them full value of properties left behind,"[6] whereas in the East Punjab and the West Punjab, the minorities were made to quit their hearths and homes in the most adverse circumstances, created by communal riots and they had to reach the country of their destination very often as paupers. According to Andrus, "The massive exchange of population that attended the partition of the Subcontinent and the conditions under which it took place are almost unprecedented in history."[7]

Unlike the transfer of population in the European countries, the mass migration in the East Punjab and the West Punjab did not result from any settled Governmental policy. The Congress was

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1. O.H.K. Spate, *India And Pakistan*, London 1954, page 110
2. Horace Alexander, *New Citizens of India*, Oxford University Press, page 7
3. Stephen P. Landas, *The Exchange of Minorities*, New York 1932, page 3
4. *Millions of the Move*, Publication Division Govt. of India, page 10
5. *Idem*
6. *The Exchange of Minorities*, cit, op. page 3
7. J. Russel Andrus and Aziz F. Mohammad, *Economy of Pakistan*, London 1958, p. 463

against the principle of exchange of minorities from the very beginning. Dr Syed Abdul Latif wrote to Nehru in 1939 that "one of the objects of transitional Constitution is to facilitate and prepare the ground for the migration of the Muslims and the Hindus into the zones specified for them so as to develop them into culturally homogenous States."[8] No wonder Nehru rejected it outright and he was not taken seriously. The partition of the country was as yet a spectre that was being fought against tooth and nail. Latif's proposal seemed to call for the exchange of population and areas in the same country. Nehru replied "Your scheme of redistribution of population and areas in India seems to me somewhat fantastic from the practical point of view."[9] Dr Rajendra Prasad, the then President of All-India Congress Committee, went a little deeper and put the following questions to Dr Abdul Latif :

1. "After exchange of population when it is completed, what do you contemplate to be the area and population of each block whether Hindu and Muslim ? I am of course assuming that there would be no Muslim in any Hindu area or no Hindu or Sikh in any Muslim area.

2. "Is the emigrant to be paid anything beyond the cost of transport ? It is assumed that he will carry with him all his moveables and will be provided with land in the block to which he is transferred. Will he be compensated for the immoveables which he will leave behind ?

3. "Who will pay the cost, the block to which he is transferred or the block from which he goes or both and if the last, in what proportion."[10]

Evidently, Latif had never applied his mind to the practical side of his fantastic proposal and kept silent. No question as to the exchange of population arose even after the announcement of the 3rd June Plan. Hindus and Sikhs, who had been living in N.W.F. and Kabul, were not frightened by the prospect of their living in a new State, even if it was called Pakistan. Mahatma Gandhi during his visit to Lahore said on the 7th August, 1947, "I am grieved to learn that people are running away from the West Punjab and I am told that Lahore is being evacuated by non-Muslims. I must say that this is what it should not be."[11] Even the terrible communal riots in the

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8. Nawab Nazir Jang Bahadur, *Pakistan Issue*, Lahore, 1945, p.22
9. Pandit Jawahar Lal Nehru's letter, dated 25th December, 1939, Ibid. p. 22
10. Dr Rajendra Prasad's letter dated January 2, 1940. Ibid, page 17-18
11. *The Tribune*, Lahore, dated 8th August, 1947

Punjab, leading to mass-migration on both sides, did not shake his faith and it was at his instance that the All-India Congress Committee passed the following resolution in November 1947 : "While it is impossible to undo all that has been done, every effort should be made to enable evacuees and refugees from either Dominion ultimately to return to their homes and to their original occupation under the conditions of safety and security."[12]

Chowdhury Rehmat Ali, who claimed to be the author of Pakistan, wrote in his "*Millat and Mission*" in 1942, 'Minorityism' means the problem created by those religious, social and political minorities which possess an active consciousness of their own nationality and consequently oppose their inclusion in or assimilation by another nation or state. It is a notorious fact that since the rise of "Nationalism" such minorities have done greater harm to the nations concerned than ever before and, therefore, most of the nations for their own safety are trying to get rid of them by exchange, expulsion or segregation.....And these nations see to it that, whatever the situation, the minorities live rather as "fifth columnists than as loyal citizens "[13] Again he wrote, "We must not have our minorities in Hindoo lands.....Not must we keep Hindoo and/or Sikh minorities in our own lands even if they themselves were willing to remain with or without any special safeguards. For they will retard our national reconstruction and in the times of crisis they will betray us and bring about our destruction "[14] But Mr Jinnah had on several occasions expressed his views that the exchange of population was essential along with the partition of India. On December 10, 1945, he said, "there will have to be exchange of population if it can be done on purely voluntary basis."[15] On November 15, 1946, he said, "the exchange of population will have to be considered seriously as far as possible especially after this Bihar tragedy."[16] Ten days thereafter at Karachi, he went further when he declared that "the authorities, both Central and Provincial should take up immediately the question of exchange of population."[17] But neither the Muslim members in the Central Government nor the Govern-

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12. Pyare Lal, *Mahatma Gandhi, Last Phase* Vol II Ahmedabad, 1958, page 519
13. Chowdhury Rehmat Ali, *The Millat and the Mission,* Lahore, 1944, pp. 8-9
14. Ibid., p. 9
15. *Speeches and Writings of Jinnah*, Vol. II, edited by Mohammad Ashraf, Lahore, p. 62
16. Ibid., p. 475
17. Ibid , p. 483

ment of Bengal under the Muslim League moved in the matter. Again only a few months before the transfer of power and the establishment of Pakistan, Mr Jinnah declared on the 30th April, 1947 "Sooner or later exchange of population will have to take place and the Constituent Assemblies of Pakistan and Hindustan will have to take up this matter."[18] It was obviously not an immediate problem for him. Khan Iftikhar Hussain of Mamdot, the President of Punjab Muslim League had declared earlier that the "exchange of population offered a most practical solution of the multifarious problems of the Muslims." He asserted, "We are not going to ask Sardar Patel or Dr Khare for it but we will get it by our inherent strength. The exchange of population will wipe out the most important argument against Pakistan which has been persistently fired from the Congress armoury."[19] This was obviously a proposal for the exchange of population and contained a plea for the holocaust that shook the Punjab soon after. It was a prelude to March 1947 riots in the Muslim majority dlstricts.

The communal riots of March 1947 unnerved the Sikhs and Hindus because the Sikh and the Hindu population of several villages had been wiped out. This convinced the Sikhs that it would be impossible for them to live safely in the Muslim-majority areas likely to be included in Pakistan. It was on this account that a joint meeting of the Panthic Assembly Party, the Working Committee of the Shiromini Akali Dal and the Panthic Pratinidhi Board passed a resolution on the 14th June, 1947, at New Delhi to the effect that "the Punjab Boundary Commission should be given express directions to make recommendations for the transfer of the Hindu and the Sikh population and property from the western part of the Punjab to the eastern part after the partition has been effected on an equitable basis. This conference apprehends that in the absence of provision of transfer of population and property the very purpose of partition would be defeated."[20] This envisaged action after the partition of India had been accomplished. As events proved this was a difficult proposition. As Alan Campbell Johnson, declares : "Economically such an oxodus seemed to run counter to the interests of the two new Governments and the Congress and Muslim

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18. *The Tribune*, Lahore, dated May 1, 1947
19. *The Dawn*, Delhi, dated Dec., 3, 1946
20. *C. & M. Gazette*, dated June 15, 1947

League must not be blamed for being averse to putting it into effect in advance of events.' [21]

The Causes of the Mass Migration

There is a controversy regarding the basic causes which led to the mass migrations on the both sides. Some writers are of the view that the Sikhs and the Hindus organized their mass oxodus in order to cripple Pakistan economically as they held important positions in the economic structure of the West Punjab. L.F. Rushbrook Willlam writes, "In Lahore and Lyallpur, they say, there was an exodus which looked concerted not only of men of substance in the business and professional life but also of clerks, minor officials in every Department of Government, nurses, orderlies, schoolmasters and medical staff Even prosperous Sikh farmers are said to have left their land on the assurance that they would be able to return in six weeks when Pakistan collapsed."[22] This is a misleading statement. All Government servants had been asked to choose the place where they would like to serve. All over India, Hindus and Muslims, including the Defence Services, had indicated their option. The public servants in the Punjab behaved similarly. Whether the rich farmers left in the hope of returning to claim their land after six months, they could not have taken those lands with them. They had to leave after what had happened to non-Muslims in some Muslim-majority districts in the Punjab. Mudie's letter quoted below proves that Sikhs of Lyallpur were loath to go, but the West Punjab Government was determined to drive them out. Sir Francis Mudie, Governor of the West Punjab in 1947, told the writer that Giani Kartar Singh met him at Lyallpur and requested him to give necessary facilities to the Sikhs for going to India, as they had decided to leave Pakistan. Mudie had assumed office after partition. Naturally, this meeting took place when things had already started going wrong. Giani Kartar Singh stated to the writer that he made this request only after he had definite information that Mr Jinnah had instructed the Governor of the West Punjab to expel all the Sikhs from Pakistan. Subsequently, this was confirmed by a letter of Sir Francis addressed to Mr Jinnah and intercepted by the East Punjab Police. Sir Francis Mudie frankly declared, "I am telling everyone that I do not care how the Sikhs get across the border, the great thing is to *get rid of them as soon as possible*. There is still little sign of 3 lakh Sikhs in Lyallpur moving, but in the end they too will

21. "Reflection on the Transfer of Power", *Asiatic Review*, July 1952, p. 167
22. L F. Rushbrook William, *State of Pakistan*, London 1962, p. 45

Sir Francis Mudie in his home in Scotland. Sir Francis was the Governor of the West Punjab after Independence.

(*Photograph by Author*)

have to go."[23] Alan Campbell Johnson is right when he declared that only the compulsion of mass-killing and the fear of reprisals could have brought about mass-migration [24]

Another significant factor leading to the forced migration of the non-Muslims from the West Punjab was the "Economic Rehabilitation Ordinance". Contrary to the very spirit of agreement and the statements of the 3rd September wherein both the Governments of the East Punjab and the West Punjab had agreed "not to recognize illegal seizure of property belonging to the refugees",[25] the West Punjab Government issued this Ordinance on September 3. Under it, it authorised the Rehabilitation Commissioner, West Punjab to assume possession and control of the abandoned lands and business undertakings and to grant their temporary lease for the period of one year. He was also empowered to permit the occupation of any abandoued building by the refugees or other persons. According to Clause 4 of the "Economic Rehabilitation Ordinance", the following powers were given to the Rehabilitation Commissioner :

(*a*) To assume possession and control of abandoned lands, business undertakings.

(*b*) To grant temporary leases of abandoned agricultural holdings in his possession to refugees for a term not exceeding one year.

(*c*) To arrange for the reopening and carrying on of any abandoned business or undertaking.

(*d*) To permit the occupation of any abandoned buildings in his possession by refugees or other persons.[26]

Consequently, not only the houses and shops of the Hindus and the Sikhs of Lahore who had left their homes in panic were allotted to the Muslim refugees but the forcible occupation by the Muslim refugees of the properties left by the Hindus and the Sikhs was also legalized. Even before the issue of this ordinance, the

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23. G.D. Khosla, *Stern Reckoning*, New Delhi page 315—I wrote to Justice G.D. Khosla enquiring the authenticity of this letter and was informed that the photographic copy of this letter was supplied to him by the East Punjab Government. The text of the letter quoted in "*Stern Reckoning*" has got more details than simllar letters quoted in other books. Subsequently the writer learnt from Sardar Sant Parkash Singh Inspector-General of Police 1947 that this letter was intercepted by the East Punjab Police.
24. *Asiatic Review*, July 1952, p. 167
25. *C. & M.* September 4, 1947
26. West Punjab Ordinance No. IV, 1947, vide Appendix

authorities in Lahore were responsible for the forcible occupation of shops and houses belonging to the non-Muslims.[27] The *Civil and Military Gazette*, Lahore, editorially pointed out on 4th September, 1947, "It is a moot point legally if the authorities are empowered to remove locks and occupy premises without first ascertaining if the owners are dead or unwilling to return..... it is open to question if the authorities can refuse to allow the owners when they return to re-occupy their houses. The Hindu businessman who had left their homes in Lahore in panic on returning to the city found their houses occupied by the Muslims. In one case the Hindu owner of the house was not only refused permission to make an inventory of his furniture that he had left behind but was actually assaulted." The disposal of the Hindu and Sikh properties in this way without knowledge or consent of their owners was "another form of confiscation,"[28] which compelled the Hindus and the Sikhs to leave Pakistan for good. The Muslim refugees, in order to avail themselves of the houses and business of the non-Muslims, created panic and disorder to turn out the Hindus and the Sikhs. Sir Geoffrey Prior, Agent to the Governor-General in Baluchistan analysed the causes of migrations. He wrote, "the reason appears simply to drive out the minority community and enjoy the fruits of business which they have built through many years. The attitude of these persons to my mind is like that of a loathsome vulture who sits by a dying animal waiting to pick up its bones."[29].

The following were some of the general causes which led to the mass migrations in the East Punjab and the West Punjab.

Role of Refugees

The exodus of refugees from the West Punjab was mostly responsible for the trouble in the East Punjab.[30] The non-Muslim refugees had been migrating ever since the disturbances in the districts of Rawalpindi, Multan and other areas. A camp for non-Muslim refugees had already been started at Wah, District Attock, because "the population" in these areas often with the connivance and even with the encouragement of the Government officials committed atrocities on the non-Muslims."[31] Wherever these

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27. *C. & M.* dated Sept. 10, 1947
28. *The Indian News Chronicle*, New Delhi, dated Oct 11, 1947
29. *C. & M.* Sept. 12, 1947
30. *After Partition*, Publicaiion Division, Govt. of India, p. 40
31. Ibid.

refugees went, they carried with them their tales of woe and sufferings, creating tension and panic. The Muslim leaders seldom, if even, expressed any regret or condemned these attacks on the non-Muslims. There had been many instances where the Muslim ruffians had killed individual Sikhs,[32] and Hindus. According to Master Tara Singh, it was in this atmosphere of frustration that the Sikhs and Hindus in the East Punjab resorted to retaliation.[33] Following the disturbances, at Amritsar, and the Hoshiarpur rioting, arson and murder broke out in other districts. As the refugees progressed eastwards, communal troubles also spread, causing the migration of the Muslims from the East Punjab. What had happened in the West Punjab was re-enacted in the East Punjab in August and September on a large scale, even with more ferocity.[34]

Over large areas in the East Punjab, the Sikh mobs attacked almost every Muslim village, killed a large number of Muslims and harried the columns of Muslim refugees. At places, like Dasua, District Hoshiarpur, where the Muslims were in a majority, they accommodated a large number of the Muslim refugees and armed themselves with firearms, swords, spears, etc. There were open fights between the hostile mobs. One Jamadar, who was on leave in his village in District of Jullunder, wrote to a Major in the Eastern Command on the 23rd August : "This country has become a battlefield since the 16th August. One village attacks another village and one community another community. Nobody could sleep for a week. Villages are being destroyed and thousands are being killed or wounded. Smoke-fires are seen everywhere all around my village. Everyday too many casualties take place in this country."[35]

This was further followed by counter retaliation with attacks on minorities in the West Punjab. "A reliable British Lieutenant Colonel in the Pakistan Army stated on the 13th of September, 1947 that some 250 armed Pathans from the Frontier have drifted into Lahore and the surrounding villages."[36] The same brutalities of death and fire were again perpetrated on the Hindus and

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32. Farrukh Amritsari, *Khoon Ki Holi* (Urdu). Transcribed copy S.H.R. 1963, page 38
33. Master Tara Singh's letter to Sardar Patel, Deputy Prime Minister of India dated the 14th August, 1947, S.H.R 1815
34. Ibid.
35. Sir Francis Tuker, *While Memory Serves*, London, 1950, p. 431
36. Ibid., page 479

Sikhs who were still in Lahore and its surrounding areas. The Muslims in the West Punjab saw that by attacking the Sikhs and Hindus who owned property and land, they could acquire their properties. Exactly the same thing happened in the East Punjab where the Sikhs and the Hindus attacked the Muslims to drive them out in order to acquire their lands.

Transfer of Civil and Public Officers

One of the most important factors which paved the way for the law of nemesis to work in the East Punjab and the West Punjab was the exchange of Deputy Commissioners, the Magistracy and other high officials belonging to the minority community in the opting out process provided by the Punjab Partition Committee. Their departure from amidst the minorities to whom they belonged undermined their sense of security in that tense atmosphere of communal rioting.[37] The very presence of a strong officer belonging to a minority had a sufficient deterrent effect on the majority community. The District Liaison Officer, Gujranwala wrote that "it is a fact admitted even by the Muslims that the non-Muslim Deputy Commissioner of Gujranwala controlled the situation with a strong hand even though trouble had beeen brewing for a long time and tension grew from day today. His departure was a signal to the Muslim Officers of the district who openly became hostile to the non-Muslims."[38] One of the most conspicuous exceptions was that of a Muslim Deputy Commissioner of Shahpur. According to the District Liaison Officer, Shahpur, "it was due to his presence that the dlstrict had been much quieter than many districts."[39]

The officers, who had been recently transferred as a result of the partition, were themselves affected by communal rioting. After taking charge of their new posts, they incited retaliation, as in the case at Bhakkar, District Mianwali, West Punjab. The District Liaison Officer, Mianwali wrote, "on the afternoon of the 2nd September the Muslim Zamindars went to pay their respects to the newly arrived Subdivisional Officer, who had been relieved from Gurdaspur. Some of the leading Hindus of the town were also there. In the presence of all these persons the Subdivisional Officer said that he was simply astonished to find that so far nothing had taken place at Bhakkar whereas in the Gurdaspur District the Sikhs had raped and abducted Muslim girls and murdered and looted

37. *L.A.R*, *Report of* D L.O., Muzafargarh
38. Ibid., File No. LIX/2 *Report of D.L.O.*, Gujranwala
39. Ibid., File No. LIX/7, *Report of D.L.O.*, Shahpur

innumerable innocent Muslims. On the 3rd September, there was a beat of drum and a mob, two or three thousand strong, entered the bazaar and set fire to the shops of the non-Muslims."[40]

'Infection' of Police

The police officers can hardly escape the responsibility for the expulsion of the minorities both in the West Punjab and the East Punjab. In the united Punjab, 74·1 per cent of the regular police force was Muslim and 78·2 per cent of the additional police was Muslim.[41] The East Punjab Government could hardly be expected to depend on the Muslim police helping them in keeping law and order. Almost all the Muslim constables had opted for the West Punjab. As some of the Muslim constables fled to Pakistan with equipment, etc. in the border districts of the East Punjab, the East Punjab Government decided to relieve the Muslim constables at once.[42] Consequently, they were relieved at Amritsar on the 10th August. This greatly unnerved the Muslims and undermined their sense of security. At places, police officials in the West Punjab did every thing to turn out Hindus and the Sikhs. The District Liaison Officer, Gujranwala, reported that a police officer of Nawshera Virkan (District Gujranwala) "proclaimed with a beat of drum that the *Kafirs* should accept Islam or be massacred. He collected Muslims at a bridge on the canal and told them that they should kill and loot the non-Muslims." The worst instance of such conduct was that of a police officer at Kamoke (District Gujanwala) where non-Muslim girls were distributed among police officers, their friends and relatives after the massacre of the passengers of a refugee train there.[43]

In the East Punjab, new policemen had to be recruited because out of about 20,572 strong police force of the united Punjab, East Punjab had been left with only 7,185.[44] The policemen who had been transferred from the West Punjab had seen communal rioting and were themselves affected. In the new recruitment, most of the policement were refugees from the West Punjab. In this way, the newly organized police force in the East Punjab was infected with the communal virus. When trouble started in the East Punjab, instead of controlling it, these policemen abetted the wrong doers. "We

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40. Ibid. File No. LIX/8, *Report of D.L.O.*, Mianwali
41. G.D. Khosla, *Stern Reckoning*, Foot note, p. 278
42. A.N. Bali, *Now It Can Be Told*, p. 40
43. *L.A.R.*, Report of D.L.O., Gujranwala

must also confess that there was a regrettable lack of honesty of purpose on the part of the police and certain other agencies in charge of the maintenance of law and order. This was found especially marked in the railway police in Ambala and a number of their men had to be arrested on the charges of looting and murder in other districts also."[45] It had been rightly stated by one of the staff officers of the G.O.C. Eastern Command : "There is no doubt whatsoever that the police of both the East Punjab and the West Punjab joined in the slaughter and looting of the minority communities."[46]

Indifference of Dominion Governments

A decision in favour of the exchange of minorities by the Dominion Governments would have uprooted the entire Muslim population in India and non-Muslim population in Pakistan. It would have created a gigantic problem for both newly born States. Neither all Muslims were willing to leave India nor were all the non-Muslims anxious to leave Pakistan. A compulsory exchange of population was impossible ; all that could be attempted could have been confined to driving the Muslims from India and the non-Muslims from Pakistan. This would have raised the further question of evaluating their immoveable properties. It was on this account that the two Governments did not favour the idea of the exchange of population. On the other hand, the ever-deteriorating situation in the East Punjab and the West Punjab demanded firm action and a clear-out policy. When the problem of the Hindu and Sikh refugees in Pakistan was discussed, in the Partition Council's meeting held on the 5th August, Mr Liaqat Ali Khan said, "This item may be taken up at the next meeting of the Council, as he had not had sufficient time to study the papers" and at the same he said, 'refugees from the States should also be considered. There had recently been serious trouble in the Alwar State and 200 refugees, men, women and children, from that place had arrived in Delhi yesterday."[47] Sardar Patel, the Deputy Prime Minister of India, asserted in a note "The Indian Railways in the circumstances consider it most inadvisable to run special trains from India to Karachi unless

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44. *Punjab on the March*, Punjab Government publication, 1957, p. 2
45. *Stern Reckoning*, page 280
46. *While Memory Serves*, page 491
47. P.P. Vol. IV, page 392

arrangements are made at the other end to run an equal number of trains for transporting men wishing to come over to India."[48] Both the Indian and Pakistan Governments could not agree on a comprehensive plan to meet the everdeteriorating situation in the East Punjab and the West Punjab. The riots, arson, murders, loot and abduction of women were spreading like wild fire, setting a chain of retaliation and counter-retaliation, uprooting the minorities on both sides of the border. The people belonging to the minority community were fleeing. Under these conditions of a grave nature, the representatives of India and Pakistan agreed on the 17th August, 1947 : "The Governments of the East Punjab and the West Punjab will give maximum assistance towards evacuation of refugees from one province to another and will make necessary arrangements for refugees prior to evacuation. The Central Governments will give whatever assistance may be needed for maintaining services and communication."[49]

Vague Decision

As is evident from the wording, this decision was vague and of a negative character. Normally, the term refugee is used for persons taking or seeking refuge in another country. Whether the members of the minority communities who were encircled by hostile mobs in their own houses and streets were covered by that term was not clear. The most unfortunate aspects of this decision was that the Prime Minister of Pakistan asserted that the purpose of this decision was to evacuate those persons who wished to migrate and were afraid of remaining in their homes and this decision was to be applied only to the Muslims of the Jullundur Division. He said in a statement, "We had indeed hoped that the evacuation of Muslims from East Punjab would not extend to Ambala Division."[50] The Deputy Prime Minister of India was of the view that if the Hindus and Sikhs could not live in peace and honour in the West Punjab and the Government of India have no means of ensuring this primary condition, it is better to allow migration, which is going on to find its natural termination by a complete exchange of population between the two Punjabs'.[51]

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48. Ibid, page 478
49. *Concerning Evacuee Property* Government of India Publication, page 8
50. Mr Liaqat Ali Khan's statement, *C. & M. Gazette*, October 10, 1947
51. *Hindustan Times*, New Delhi, September 6, 1947

Mutual Differences

The leaders of Pakistan who had recently taken the reins of Government in their hands were afraid of the Indian leaders visiting Pakistan in order to help and alleviate the sufferings of Hindus and Sikhs stranded in Pakistan. Sir Francis Mudie, the newly appointed Governor of West Punjab wrote to the Governor-General of Pakistan on the 5th September : "We had from our points of view a successful meeting with Nehru, Patel and Company on Wednesday (3rd September). The main fight was over certain proposals of the East Punjab by which their troops of officials would be allowed to enter West Punjab on various pretexts. Finally, I had it conveyed to Nehru that the Conference would break down unless they gave way which they did. I hope that we have now seen the end of visits to this province of Nehru and his fellow politicians."[52] It may be pointed out that only on the previous day (2nd September) the Sikhs and the Hindus of Lyallpur had requested Pandit Jawahar Lal Nehru to pay them a visit every now and then and Pandit Nehru with the consent of Mr Liaqat Ali Khan had agreed to this request. But the very next day, this possibility was ruled out. It had a very adverse effect on the minorities in the West Punjab.

False Rumours and Resultant Panic

How false and baseless rumours spread by the refugees wrought havoc can be estimated from the Sheikhupura massacre of non-Muslims which has often been quoted as an example of the expulsion of the non-Muslim minorities from the West Punjab. The Muslim refugees reached Sheikhupura on the 21st August[54]. Soon after, the Additional District Magisterate received a telegram that the Sikhs had attacked Joyoanwala Canal Colony and the Muslims living there. This telegram had been sent by the Subdivisional Officer, Canals. A curfew order was promulgated on the town from 6 p m. to 6 a.m. during which the houses of the Hindus and Sikhs were set on fire. On the following day, the Baluch Regiment of the Punjab Boundary Force fired indiscriminately on the Hindus and the Sikhs, with the result that hundreds of men, women and children were massacred. It was subsequently found out that the story of

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52. *Stern Reckoning*, page 315
53. *C. & M.* September 3, 194.
54. *C. & M.* dated 3rd September, 1947

the attack by the Sikhs was entirely baseless.[55]

The District Liaison Officer, wrote "On the auspicious day of Id-ul-Fittar on the 18th August at 3 p.m. a rumour was set afloat in the own that a batch of Sikhs had attacked Muslim women who had gone to celebrate Id-ul-Fittar in the Partap Garden. The Muslim National Guard volunteers ran to the spot with naked sword shouting provocative slogans and inciting the Muslim masses to rise and slaughter Sikhs." "Wherever the trouble was started," he concludes "the attackers had always taken shelter behind the false plea that the Sikhs intended to attack and had taken the initiative. Shouts were raised to collect Muslims and to provoke them to attack the non-Muslims. As a result of these attacks, non-Muslims inhabiting the countryside were forced to migrate "[56] The D.L.O., Gujrat wrote, "On the 11th August false and wild rumours were set afloat that the Sikhs were going to attack the Muslims, whereupon the Muslim *Goondas* (ruffians) took the law into their own hands and with the help of Muslim gangsters of the neighbouring village made a concerted attack on peaceful and anxious non-Muims citizens of Gujrat" [57]

The minorities in the East Punjab and the West Punjab were faced wilh hostile mobs, communally infected military[58] and police forces and infuriated refugees who wanted the possession of their houses, lands and business undertakings. Loot, murder, arson and the abduction of women and children perpetrated at other places left them with no opinion but to migrate and leave the areas in which they and their ancestors lived for centuries.

APPENDIX CHAPTER VIII

The West Punjab Ordinance No. IV, September 9, 1947.

An ordinance to provide for Economic Rehabilitation in West Punjab.

WHEREAS the Governor of West Punjab is satisfied that circumstances exist which render it necessary for him to restore and maintain the economic life of the Province and to ensure the

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55. *C. & M.* dated 27th August, 1947. Soon after Pt. Jawahar Lal Nehru visited Sheikhupura and he held Sheikhupura administration responsible for this tragedy, The Governor of the West Punjab wrote to the Governor-General of Pakistan "Pt Nehru by his hectoring manner did considerable damage to the morale of the district administration of Sheikhupura" *Stern Reckoning*, p. 316
56. *L.A.R.*, D.L.O. Montgomery, File No. LIX/2
57. Ibid, D.L.O. Gujarat, File No. LIX/11
58. Vide Chapter VII, *The Punjab Boundury Force*

orderly settlement of persons who have taken refuge in the Province on account of the late disturbances in the adjoining territory of East Punjab ;

NOW, THEREFORE, in exercise of the powers conferred by section 88 of the Government of India Act, 1935, the Governor of West Punjab is pleased to make and promulgate the following Ordinance, namely :

1. (1) This Ordinance may be called the West Punjab Economic Rehabilitation Ordinance, 1947.

(2) It shall be extend to the whole of the West Punjab.

(3) It shall come into force at once.

2. (1) The Provincial Government may, by notification in the officiai Gazette, appoint a Rehabilitation Commissioner for the Province, and Assistant Rehabilitation Commissioners for such local areas as may be specified in the notification.

(2) The Director of Industries, West Punjab, shall be Deputy Rehabilitation Commissioner for the Province, and may exercise all the powers of the Rehabilitation Commissioner in respect of industrial undertakings dealt with under this Ordinance ; provided that in the discharge of his functions under this Ordinance, the Director of Industries shall be subject to the control of the Rehabilitation Commissioner, and shall comply with all instructions, whether special or general, issued by the Rehabilitation Commissioner.

3. Subject to the provisions of this Ordinance, the powers and duties of the Rehabilitation Commissioner shall extend to the following matters, namely :

(a) to repair the dislocation in the economic life of the Province caused by the abandonment of property and the closing down of buisness and undertakings, on account of the owners, or, as the case may be, the tenants, employees or workmen having left the Province in consequence of the late disturbances : and

(b) to secure the orderly absorption into the economic structure of the Province of persons who have sought refuge in the Province on account of the late disturbances in the adjoining territories.

4. (1) The Rehabilitation Commissioner may make such

general or special orders, not inconsistent with this ordinance or any other law for the time being in force, as many be necessary for the discharge of his functions; provided that do order of a general nature shall be made without the previous approval of the Provincial Government.

(2) In particular, and without prejudice to the generality of the powers conferred by the preceding subsection, the Rehabilitation Commissioner may

(a) assume possession and control of abandoned lands. business and undertakings ;

(b) grant temporary leases of abandoned agricultural holdings in his possession to refugees, for a term not exceeding one year ;

(c) arrange for the reopening and carrying on of any abandoned business or undertaking ;

(d) permit the occupation of any abandoned building in his possession by refugees or other persons ;

(e) require the owner or manager of any business or undertaking to give employment to refugees;

(f) require the letting of storage and residential accommodation to refugees, or to any other persons;

(g) requisition any moveable property; and

(h) summon, by notice, any person who, in his belief, possesses any relevant information of document concerning any evacuee property, business or undertaking to make and sign a statement or to produce such document and permit copies to be taken of any part thereof.

5. Whenever possession or control is assumed by any authority empowered by or under this Ordinance of any abandoned land, building, business or undertaking, such authority shall send a copy of its proceedings, containing all available particulars of the location and the ownership of the property, business or undertaking, to the Custodian of Evacuee Property for record in his office.

6. The Rehabilitation Commissioner shall not grant a lease of any immoveable property, if in respect thereof there is an existing lease and the lessee is ready, able and willing to carry out the conditions thereof, and any such lease granted by the Rehabilitation Commissioner shall take effect according to its tenor, notwithstanding anything contained in any instrument of lease, grant

or other demise whatsoever, which may be in existence in relation to the same land.

7. Whenever any property is requisitioned under the provisions of this Ordinance, the owner thereof shall be paid such compensation as the Rehabilitation Commissioner may determine.

8. If in the opinion of the Rehabilitation Commissioner, it is necessary for the discharge of his functions that he should assume possession or control of any abandoned property, business or undertaking which is in the possession or under the control of a Custodian of Evacuee Property, or any other persons authorised by any law for the time being in force, the Rehabilitation Commissioner may by order in writing require such Custodian or other person to deliver possession or control of such abandoned property, business or undertaking to him, and such Custodian or other person shall forthwith comply with such order.

9. No suit, prosecution, or other legal proceeding shall lie against the Provincial Government, the Rehabilitation Commissioner, or any person acting under his direction, for anything which is in good faith done or intended to be done in pursuance of this Ordinance.

10. The Provincial Government may, by notification in the official Gazette, make rules providing for :

(a) the delegation of powers by the Rehabilitation Commissioner to the Deputy Rehabilitation Commissioner, or an Assistant Rehabilitation Commissioner ;

(b) the respective powers of the Deputy Rehabilitation Commissioner and the Assistant Rehabilitation Commissioners ;

(c) the manner in which general orders made by the Rehabilitation Commissioner shall be published;

(d) the procedure to be adopted by authorities empowered by under this Ordinance: and

(e) generally for carrying out the purposes of this Ordinance.

11. In this Ordinance, unless the context otherwise requires :

(a) the expression "abandoned", in any reference to a business or undertaking, means such a business or undertaking as has ceased wholly or partially to operate owing to the flight of its owner, or any of the employees (including workmen) from the Province in consequence of the late disturbances, and in any

reference to any land or building, means any such property as has been left unoccupied owing to the flight of the owner, tenant or occupier, for the aforesaid reasons;

(b) the expression "evacuee" means any person who, being a resident of the Province, has gone away to some place outside the Province since the 1st January 1947, on account of the late disturbance, or who cannot, by the exercise of due diligence, be traced at his usual place of residence or business in the Province.

(c) the expression "refugee" means a person who has taken refuge in the Province on account of the late disturbance in the territory of East Punjab;

(d) the expression "Custodian of Evacuee Property" means the Custodian of Evacuee Property appointed under the West Punjab Evacuee Property (Preservation) Ordinance, 1947, but does not include a Deputy Custodian or an Assistant Custodian of Evacuee Property appointed under that Ordinance;

(e) the expressions "business" and "undertaking" do not include any business in the nature of banking;

(f) the expression "the Province" means the Province of West Punjab.

R.F. MUDIE
Governor of West Punjab

M.R. KAYANI
Secretary to Government, West Punjab
Legislative Department.

CHAPTER IX

MIGRATION

The partition of the Punjab was not intended to, and did not, solve the minority problem. More than four million Muslims were left in the East Punjab,[1] and about four million Hindus and Sikhs in the West Punjab.[2] On account of continual communal riots since March 1947, the Sikhs and the Hindus had been migrating to the districts subsequently included in the East Punjab, and the Muslims, after the August riots, to the Muslim-majority districts included in the West Punjab. The stream of displaced Hindus, Sikhs and Muslims got swollen into a big torrent just after the transfer of power and the announcement of Punjab Boundary Award. The minorities of the Central districts of the erstwhile united Punjab had lost every hope of being included in the newly created province of their choice. Both the East Punjab and the West Punjab Governments, therefore, decided "to give maximum assistance for the evacuation of refugees from one province to the other"[3] But a large-scale exodus of the minorities was not expected and no specific machinery was set up to implement this decision. On the 25th August, the newly appointed Governor

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1. Muslim in Ambala Division, according to the Census of 1941 — 13,18,136
   ... do ... Jullundur Division — 18,77,742
   ... do ... Gurdaspur (minus Tensil) Shakargarh — 4,40,323
   ... do ... Amritsar District — 6,57,695
   Total — 42,93,896

2. According to the Census of 1941, Hindu, Sikh, Adharmis, Scheduled Caste and Jainis etc. in
   Rawalpindi Division — 6,61,762
   Multan Division — 14,72,394
   Lahore Division (minus Amritsar District Tehsils of Batala, Gurdaspur and Pathankot of Gurdaspur District). — 15,67,240
   Total — 37,01,396

   It is generally believed that in 1947, about six million Hindus and Sikhs migrated to India from West Pakistan including the West Punjab, North West Frontier Province, Sind and Bahawalpur State, etc. and about six million Muslims migrated from India including the East Punjab, the East Punjab States, Delhi, etc. to West Pakistan.

3. Vide Chapter VIII "*Nature and Causes of Migration*".

of the East Punjab wrote to the Commander of the Punjab Boundary Force to effect the evacuation of the refugees from West Punjab : "My Ministry and general public in East Punjab are greatly concerned over reports of large numbers of non-Muslims being stranded in places like Chichawatni. Montgomery, Okara, Arifwala and Pakpattan (in Montgomery District), Pattoki, Chunia, Raiwind (in the Lahore District), Sialkot, Narowal and Pasrur in the Sialkot District and Sheikhupura and Gujranwala. I shall be grateful, if effective military protection could be ensured for these refugees.[4] I realize, however, that this may not be possible and many refugees would like to evacuate. In that case, I would earnestly request you to arrange for evacuation by road of the refugees from Montgomery and Lahore Districts to Ferozepur and from the Sialkot District to Amritsar or to Dera Baba Nanak and from Sheikhupura and Gujranwala to Amritsar. If it is not possible for you to evacuate refugees from Sialkot to Amritsar or to Dera Baba Nanak by road, we would endeavour to arrange for a special train."[5] The Punjab Boundary Force was already facing a grave situation in the performance of its own specified task of maintaining law and order. It seems to have been felt that to arrange for evacuation was a cognate, though probably not a heavy task. To suggest that a special train could bring over all the refugees indicated that the East Punjab Government did not expect the transfer of the minorities in their entirety from the West Punjab. But more vigorous arrangements were to follow soon.

Establishment of Military Evacuee Organization

On account of the communal riots spreading in a chain reaction, there were a large number of displaced non-Muslims and the Muslims to be evacuated in the East Punjab and the West Punjab. To begin with, a hundred trucks were placed at the disposal of the Deputy High Commissioner of India in Lahore.[6] The East Punjab Government supplemented this arrangement with the appointment of a Liaison Officer at Lahore, and a Transport Controller at Amritsar who was provided with one hundred trucks. The latter was to plan out convoys in consultation with the former. But soon, it was

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4. In Europe the term "refugee" is commonly used for aliens seeking refuge whereas a "displaced person" means one who has been driven out owing to the changes in the frontier.
5. *L.A.R.* File No. LXVI/9/92.
6. *C. & M.* Gazette, dated the 25th August, 1947.

found that this arrangement afforded no protection to the refugees, because there was no machinery to prevent attacks from hostile mobs on the convoys in the West Punjab. It was, therefore, decided to entrust this work of evacuation of refugees to the military. The East Punjab Area Head Quarters at Lahore was converted into the Advance Military Evacuee Organization and a separate command, known as Military Evacuee Organization was established at Amritsar on the 4th September, 1947.[7] A similar organization was established by the Pakistan Government to evacuate Muslim refugees from the East Punjab, a little earlier.[8]

Evacuation by Motor Transport

In order to facilitate the speedy clearance of refugees on both sides, the East Punjab Government and the West Punjab Government entered into an agreement by which no train or motor vehicle was to cross the border without refugees. It implied that no Indian motor vehicle or train could enter Pakistan without Muslim refugees, nor could any Pakistan motor vehicle or train enter Indian territory without Hindu and Sikh refugees. This naturally implied the control and checking of such vehicles. The Indian motor convoy commandant complained that "the convoys from the East Punjab with Muslim refugees first go to the Walton Training School. There they are made to wait for a considerable time and are asked to carry other Muslim refugees to the districts where they might be going. In this way, about six hours are spent at the Walton Training School. Again at the bridge of the River Ravi, they are not allowed to cross unless every truck is full to the maximum capacity and if any vehicle is found to carry a smaller number of refugees than the expected number, the passengers of those vehicles are transhipped to other vehicles and empty vehicles are sent back. This procedure is repeated at many places on the way."[9]

The Military Evacuee Organization on the Indian side also adopted similar measures and it was decided "that Civil authorities

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7. According to the author of *Economic Consequences of Divided India* (page 79) the Military Evacuee Organization was established in addition to the Punjab Boundary Force which does not appear to be correct. The Punjab Boundary Force was abolished from the 1st September, 1947 and the M.E.O. started working on the 4th September, 1947.
8. The author of *Chronology of Pakistan* states that the Pakistan Government established the Military Evacuee Organisation on the 28th August, 1947.
9. *P.B.R.* File No. C.F.-386
Meeting of M.E.O. held on 23rd Sept., 1947.

should establish two police posts on the Grand Trunk Road one at a distance of about five or seven miles towards the east of Amritsar and the other at a similar distance to the West of Amritsar. These police posts should not allow any vehicle of the Pakistan Government to proceed unless it was full to the maximum capacity with non-Muslim refugees or it had a certificate from the Chief Liaison Officer that the vehicle could go empty".[10]

Sometimes, the drivers of the other community conspired against their passengers. The D.L O , Sialkot wrote : 'On the 25th August a convoy of 25 trucks, the drivers of which were all Muslims, was sent from the refugee camp, Sialkot Cantonment to Amritsar. When the convoy reached the bridge of the Ravi near Shahdara, it halted on the plea that the drivers wanted to take tea and they went into the town, wherefrom a mob of Muslims attacked the convoy."[11]

Evacuation by Train

The agreement that no train should be allowed to go without taking refugees did not work well, when the crew of the train and the passengers belonged to different communities. The Muslim and non-Muslim crew sometimes frightened or sometimes in a spirit of retaliation stopped the trains on the appearance of mobs belonging to their community and thus caused the deaths and destruction of the refugees travelling by their trains. This arrangement brought havoc among the refugees as the Deputy High Commissioner of India in Lahore wrote : "Some 3000 to 4000 Muslims had collected there and surrounded a non-Muslim train which had arrived from Pind Dadan Khan. This wretched train was attacked soon after it left Pind Dadan Khan on the 19th then again at Mughalpura this morning where there were 80 casualties of which 3 were killed and more than 12 seriously injured." The train could not proceed to Amritsar, as the Muslim engine driver had run away.[12] Similarly, the Commanding Officer of the 2/1 Gurkhas wrote : "The Battalion arrived at Ambala Cantonment station at 12-30 p.m. on the 1st September, 1947. The Adjutant reported to the Commanding Officer that a train containing dead bodies was lying on the line next to ours Holes caused by Bren-gun bursts

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10. *Ibid.*
11. *L.A.R.* File No. LVII/2/8-B.
12. *L.A.R.*, Telegram No. 21, dated Sept. 21, 1947 from Deputy High Commissioner for India, Lahore.

were visible on all coaches. The driver of the engine evidently intended to let massacre continue by driving his train into the open country and only disconnected his engine at the pistol point "[13]

It was pointed out to the East Punjab Government that trains had been sent to Karnal which was already flooded with refugees when the trains could have been easily received at Ludhiana where accommodation had been kept spare for the purpose."[14] It seemed that the despatching government decided the destination. This resulted in untold miseries to the refugees who were denied even ordinary facilities, like drinking-water on the way. Many deaths occurred on account of starvation or shortage of water."[15] "In a spate of religious fury, trains were held up and their passengers killed, houses burned down over their owner's heads, women raped and abducted, forcible conversions made from one religion to another and every kind of physical atrocity practised."[16]

'Infection' of Railway Officials

Like police, military and other government personnel, the railway staff in both the Punjabs got infected with the spirit of retaliation. They could not act impartially in the discharge of their duties and did their best to the detriment of the refugees belonging to the other community. Almost all major train accidents were the result of their vindictiveness. The court-martial inquiry undertaken by an Indian military officer and a Pakistan military officer and presided over by a British Officer regarding the Jassar (District Sialkot) train accident established the fact that the inefficiency of the railway staff in the West Punjab had led to so many deaths and abduction of women[17]. According to the inquiries of the court martial, the Indian M.E.O. represented to the Pakistan M.E.O. that the train was to go via Wazirabad—Lahore on the evening of the 22nd October. Orders were issued to that effect. But these orders

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13. *While Memory Serves*, cit. op., pp. 436-37
14. *L.A.R.* File No. LVII/22/8-B.
15. *P.B.R.* A note of the refugee situation in East Punjab File No. CF (101)-(a)E-49.
16. *India Since Partition*, Government of India Publication, p. 44
17. *L.A.R.* File No. LVII/13/2-E. The Report of the D.L.O., Sialkot stated that 1300 persons had been killed and almost two hundred women abducted, According to a court Martial enquiry the number of killed or injured and missing is 53 and 479 respectively. But at the same time it concluded that "no accurate figure could be produced as by the majority of attackers casualities were taken away and buried or treated by their relatives.

failed to reach Sialkot'[18] Consequently, there was a huge massacre of non-Muslims at Jassar where the railway track was broken on account of floods.

Sometimes, the routes of the non-Muslim refugee trains were changed to the deteriment of the passengers. The station staff acted under the spirit of vendetta. A train which started from Bannu was scheduled to reach Amritsar via Mari Indus, Lyallpur and Lahore. From Khushab, contrary to its previous scheduled route, it was diverted to Gujarat where Pathans attacked it on January 12, 1948. The engine-driver fled. There was a regular fight between the Hindu escort and the Pathans who had surrounded the platform. The Sikhs in the refugee train were particularly singled out and killed. A large number of women were abducted[19]. Similarly a non-Muslim refugee train which had started from Wah (District Attock) was detained for two days, 24th and 25th September, 1947, at Wazirabad (District Gujranwala) where the train was thrice attacked inflicting heavy casualties[20]. The attack on the non-Muslim refugee train at Kamoke (District Gujranwala) on the 23rd September, 1947 was, according to Brigadier Stevens (M.E.O. Pakistan), the result of an unauthorized movement of the train to that station[21]. This attack resulted in heavy casualties and the abduction of a very large number of non-Muslim women. The same spirit was at work among the railway employees in the East Punjab. A Muslim refugee train which left Ambala on the 25th November, 1947 was diverted to line a with deadend, instead of the main line at the Shambu railway station. Consequently, the train was derailed, resulting in heavy casualties[22].

The railway trains carried the largest number of refugees. It is estimated that more than two million people crossed the border by trains within two months or so[23]. About five or six trains crossed the border every day and every train was full to capacity. The roofs, footboards, buffer spaces and even the undersides of the carriages were fully utilized. The evacuation operation by trains would have proved more successful, had there been co-operation

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18. *L.A.R.* The Chief Secretary West Punjab (Pakistan Government's communication No. 692-HR-47/2486, dated the 19th Jan. 1948.
19. Ibid., D O. No. 7678/CLO dated 14-1-48 File No LVIII/5/94.
20. Ibid., File No. LVII/13/2-E(Part II).
21. Ibid.
22. *P.B.R.*, File No. CF-711-ER-48.
23. *Millions on Move*, Indian Government Publication, p. 5. About 673 refugee trains were ran from August 27th to November 6, 1947.

between the East Punjab and the West Punjab governments and had the railway staff on both sides not been infected with the communal venom.

Foot Convoys

Of all the modes of evacuation, the organization of the refugee foot convoys proved to be the most effective for the peasants of the Punjab who were tough and hardy by nature. A foot convoy enabled ten thousand of refugees to be collectively moved out in either direction alongwith their bullocks, carts, household goods and cattle. A strong foot convoy could defend itself with the help of military against any hostile mob It is estimated that about one million human beings crossed into Indian territory on foot, within a month up till the 3rd week of September 1947.[24] The biggest refugee caravan consisting of three lakhs of people came into India from the districts of Lyallpur and Montgomery later on.

Establishment of Liaison Agency

On account of the suddenness of the forced migration of the members of the minority communities, there were left different categories of people to be evacuated. A large number of persons had been forcibly converted. Owing to the continuance of disturbed conditions and communal riots, a very large number of women and children had been abducted on both sides of the border. The refugees in the East Punjab and the West Punjab who had recently migrated wanted to recover their relations, movable properties, bank lockers, etc. It was, therefore, felt necessary that there must be some organization which should be entrusted with such work. The East Punjab Government and the West Punjab Government, therefore, established Liaison Agencies for their respective provinces. Under a Chief Liaison Officer in each State, there were appointed District Liaison Officers and each District Liaison Officer was to work in a district placed under him. The East Punjab Liaison Agency had its headquarters at Lahore and it worked for more than a year.[25]

Forcible Conversions

The most urgent and immediate task before the East Punjab Liaison Agency was to evacuate the persons who had been forcibly converted in the West Punjab. "More than two lakhs of people had become converts in order to save their skins, their property and

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24. *Millions Live Again*, p. 3-4.
25. *L.A.R.* East Punjab Liaison Agency was finally withdrawn on 30th Nov. 48.

their girls from abduction".[26] According to the District Liaison Officer, Gujranwala, "the non-Muslims had embraced Islam as a matter of expendiency in the hope that some day the Hindus would come back to Pakistan and the old order would be re-established."[27] In Multan, "thousands of non-Muslims became converts to Islam in order to save their lives and the honour of their females. The assessed estimate of converts was 5000."[28] In the District of Mianwali, about 6000 persons were forcibly converted.[29] In Dera Ghazi Khan, "All the converted men had very sad tales to tell. Even men as old as forty had to undergo the pain of the conversion ceremony, resulting in profuse bleeding" due to circumcision.[30]

Recovery of Abducted Women

The Governments of India and Pakistan in their meeting held on the 6th December, 1947 took the following decisions regarding the recovery of abducted women and children :

1. Conversion of persons abducted after the 1st March, 1947 was not to be recognized and all such persons were to be restored to their respective Dominions even against the wishes of the persons concerned.
2. The primary responsibility for the recovery of abducted persons was to rest with the local police.
3. Social workers were to be associated actively with the scheme. The D.L.Os. were to supply information regarding abducted persons to be recovered.[31]

The decisions to alleviate the sufferings of women folk, who had suffered most during the partition of the Punjab were, however, indifferently acted upon. A very large volume of the correspondence between the high officials of the East Punjab and the West Punjab indicates that the police officers in both the Punjabs acted partially in favour of their own community while recovering the abducted women. The Deputy High Commissioner for Pakistan wrote to the Chief Secretary, East Punjab : "One... has written to say that his daughter.. aged 13 years has been kept by one... son of... Jat of village Bhoma District Amritsar. In reply to his

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26. *L.A.R.*, File No. LIX/2 Report of D.L.O. Montgomery.
27. Ibid., File No. LIX/3 Report of D.L.O. Gujranwala.
28. Ibid., File No. LIX/4 Report of D.L.O. Multan.
29. Ibid., File No. LIX/8 Report of D.L.O. Mianwali.
30. Ibid., File No. LIX/9 Report of D.L.O. D.G. Khan.
31. *P.B,R.* File No. C.F. 119-ER-49.

request for the recovery of the girl he was informed by the Indian Military authorities (copy attached) that his daughter did not wish to leave her husband."[32] "The District Liaison Officer, Campbellpur reported that the Deputy Commissioner of Campbellpur and Rawalpindi districts were not handing over the recovered abducted women and girls because they had been handed over to the Azad Kashmir Government."[33] In some cases, the police officers in various districts had openly declared that it was their duty to see that proper regard was paid to public opinion. When recovered, the statements of the recovered women and girls were returned to their abductors by the district authorities,[34] as it was said that they did not wish to leave their abductors.

Hurdles in the way of Recovery

On account of the fear of disturbance, the local authorities purposely avoided taking any action against the Pathans who had abducted the girls. Five non-Muslim girls were recovered by the Sub Inspector of Phularwan, District Shahpur. The girls were brought from Phularwan to Sargodha and handed over to the District Liaison Officer. During the night, a large number of Pathans surrounded the house of the Inspector and on the following day they surrounded the offices of the Superintendent of Police and created a lot of commotion in the city. The Deputy Commissioner and Superintendent of Police prevailed upon the District Liaison Officer to hand over the girls to the Deputy Superintendent Police. The Commissioner, Rawalpindi Division, and Deputy Inspector-General of Police reached Sargodha and with great difficulties these five girls were removed to India at dead of night.[35]

The police officers who were appointed to protect the women, themselves committed the worst crimes. Two Assistant Sub-Inspectors of Police went to recover a non-Muslim woman from a village in the West Punjab and the unfortunate woman was raped and ravished by those very police officers during the nights on the way.[36] In the meeting of the officers of the East Punjab Liaison Agency, it

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32. *P.B R.* Letter No. D.H.C. 115/47 dated 11-3-48
File No. C.F. 321-ER-48
33. *L.A.R.* D.O. No. 8312/CLA dated 23-1-48.
File No. LXVIII/5.
34. Ibid.
35. *L.A.R.* Proceedings of meeting of Officers,
File No. L-VIII/14/171(PT-II).
36. *P.B.R.*, File No. C.R. 463-ER-49.

was brought to light that one Sub-Inspector of Police at Kamoke (District Gujranwala) had collected all the non-Muslim girls at the time of the Kamoke train attack and distributed them to his accomplices. That Sub-Inspector's brother who was in the Pakistan Army was also in possession of the abducted girls. When the latter was contacted by the District Liaison Officer, he said that he had sent about 22 non-Muslim abducted girls to his brother.[37]

Some of the officials in Pakistan kept the non-Muslim abducted girls with them in spite of the open appeals of the East Punjab and West Punjab Governments, as is clear from the following letter of the District Liaison Officer of Montgomery: "Shrimati..... was recovered from the custody of .....Naib Tehsildar, Dipalpur. The Naib Tehsildar has been keeping the girl for the last eight months. Hand bills signed by the Deputy Commissioner regarding the recovery of abducted girls were distributed among the masses through the Tehsildar, meetings were arranged in the Tehsil for making appeals to the people to return the abducted girls."[38]

Legislation for the Recovery of the Abducted Persons

The East Punjab Liaison Agency was closed on the 30th November 1948 alongwith the Women Recovery Organization which was associated with it. The work of the recovery of abducted women was brought under the Ministry of External Affairs in India and Pakistan. So far, there had been no special legislation for the recovery of abducted women. The Indian Government, however, established elaborate machinery for the recovery of the abducted persons. An ordinance called "Abducted Persons Recovery and Restoration Ordinance" was promulgated on January 31, 1949, and was subsequently replaced by the Abducted Persons Recovery and Restoration Act 1949 and was subsequently replaced by the Abducted Persons Recovery and Restoration Act. One of the principal features of this Act was that it adopted a more comprehensive definition of the term "abducted" than the one already provided in the Indian Panal Code.[39] Another important aspect of this legislation

37. *L.A.R.* File No. L-VIII/14/171 (Pt. II). Similar statement regarding this Sub-Inspector at Kamoke has also been given in the *P.B.R.*
38. *L.A.R.* Letter No. LN 229/249 dated 4-6-48 from D.L.O., Montgomery to C L.O.
39. According to Clause No 2 of *The Abducted Persons (Recovery & Restoration) Act 1949*, "abducted person" means a male child under the age of sixteen years or a female of whatever age who is, or immediately before the Ist day of March, 1947, was a Muslim and who on or after that day and before Ist January, 1949 has become separated from his or her family and is found to be living with or under the control of any other individual or family and in the latter case includes a child born to any such female after the said date."

was the provision for setting up of an Indo-Pakistan Tribunal to decide the disputed cases of the abducted women. Camps for the stay of the recovered persons were to be established. This Act applied only to the "affected areas", viz. U.P., East Punjab, Delhi, Patiala and East Punjab States Union and the United States of Rajasthan. A special provision was made to enable the recovery of the abducted women from the other States in India. The co-ordinative officers and staff were appointed to assist the police in the recovery of the abducted persons. Social workers were also associated with this work.[40] There was, however, no corresponding legislation regarding the abducted persons in Pakistan.

The abductors in Pakistan adopted several methods to evade the Indian Recovery Officer. Alongwith the abducted women they shifted from the West Punjab to those districts adjoining the Jammu and Kashmir territory, entry to which was banned to the Indian officials on account of hostilities in Kashmir.[41]

According to the provisions of the Abducted Persons (Recovery and Restoration) Act, no option was to be given to any recovered person, he or she had to be sent to the other country. With the passage of time it was found that recovered persons were often loath to be sent across the border. The forcible restoration of such recovered persons resulted in great hardship to them as also to their children who were deprived of the affection and care at least of one parent. It was, therefore, decided in the Indo-Pakistan Conference held in May 1954 that suitable means should be devised with a view to ensuring that no abducted person was forced to go to the other country against her will. By this decision, special homes were instituted in both the countries where unwilling persons could be lodged and given full facilities to meet their relatives and to make up their minds without fear or pressure. It was only after a sufficiently prolonged stay in such homes that the final wishes of the recovered persons were ascertained by the Indo-Pakistan Tribunal. In that case, if a recovered woman refused to go to the other country she was not forced to do so.[42]

Discontinuance of the Recovery Work

The abducted Persons (Recovery and Restoration) Act continued

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40. Abducted Persons (Recovery and Restoration) Act No. LXV of 194 .
41. *Diary of Akali Chakkar Kaur Singh* (Punjabi), edited by the writer, Khalsa Samachar Amritsar, 1959, p. 12
42. *Recovery And Restoration of Abducted Persons in India*, Government of India Publication, Ministry of Foreign Affairs, p. 3

to be renewed every year upto 1957. By then, the abducted women began to show increasing reluctance to go to the other country after leaving their children. By the Indo-Pakistan Government decision of 1954, they could not be forced to go to the other country against their wishes. Secondly, the most serious consideration which prevented the Government of India from renewing the Abducted Persons (Recovery and Restoration) Act of 1949 was the problem of the post-abduction children During the period from January 1, 1954 to September 30, 1957, no fewer than 860 children were left behind by the Muslim women restored to Pakistan, where as 410 children were taken by them. These children created problems for the State which had to take care of them.[43]

Estimate of the Recovery Work

In recovering abducted women, the Government of India achieved greater success on their side than the Pakistan Government. The statements exchanged between the two governments indicated that 25,856 and 9,366 persons had been recovered in India and Pakistan respectively.[44] It is a significant fact that in both countries a large majority of persons recovered were not those included in the lists of missing persons furnished by the respective Governments. No less than 4415 abducted persons out of 30,335,[45] were declared as "the non abduction cases" by the Pakistan Government. The information regarding the abducted women supplied by the Indian Government could not be wrong as it was based on the data collected from the individuals concerned. About 4191[46] abducted persons, that is to say 13.8 percent of the list furnished by the Indian Government, were reported by Pakistan Government to have died in Pakistan. This figure too does not appear to be correct as the corresponding number of the abducted women who died in India was surprisingly low, viz. 3·3 per cent.[47]

The most peculiar phenomenon with regard to the recovery work of non-Muslim women was that the non-Muslim abducted girls very often refused to be evacuated. They were too afraid of the rigidity of the caste system and were overconscious of having lost their chastity. In the Hindu society, woman has been depicted as

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43. Ibid., pp. 6-7
44. Ibid, p. 5
45. Idem
46. Idem
47. Idem

an idol of chastity, purity and loyalty to her husband. These very notions prevented them from facing their relatives. Though they were completely helpless under the circumstances, some of them really believed that their husbands and other relatives had failed to protect them and hence they had lost all rights over them. Delay was yet another major factor impeding their recoveries, because it gave their abductors the time and opportunity to din into their ears so many false and baseless rumours like "there is no food in the East Punjab", "near and dear ones had all been murdered", etc. In certain cases, the arguments of the abducted girls were very correct and genuine. One of them said to the District Liaison Officer, Gujranwala, "How can I believe that your military strength of two sepoys could safely take me across to India when a hundred sepoys had failed to protect us and our people who were massacred" Another said, "I have lost my husband and have now gone in for another. You want me to go to India where I have got nobody and, of course, you do not expect me to change husbands every day." A third said, "But why are you particular to take me to India ? What is left in me now - religion or chastity ?"[48]

APPENDIX TO CHAPTER IX

Extracts from the Findings of Court Martial Regarding the Jassar Train Incident

The Court having considered the evidence before them give their opinion as stated below :

Routing of the Train

(a) Originally orders were given by Brig. Stevens who was in charge of transportation of refugees for the train to be routed from Sialkot to Jassar. Orders were issued accordingly by D.Q. (Rail) M.E.O. Pak to the Railway Control Office, Lahore, on the 22nd October, who passed them on at 15.10 hours to the Station Master, Sialkot, who in turn passed on the information to H.Q. Sialkot Sub Area. The Court is satisfied that these were the only orders received in Sialkot either by the Station Master or by the Military, and were duly acted upon.

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48. *L.A.R.* File No. LIX/3-D.L.O., Gujranwala's Report.

(b) The Indian M.E.O. represented to the Pak. M.E.O. that the train should go via Wazirabad—Lahore. On the evening of the 22nd October, orders were issued by D.Q. (Rail) M.E.O. Pak. to the Railway Control to halt the train at Sialkot, while the matter was referred to Brig. Stevens. The latter issued orders for the re-routing of the train via Lahore at about 10.00 hours. On the 23rd October both these orders failed to reach Sialkot as :

(i) D.Q. (Rail) M.E.O. Pak. gave the orders to Railway Control Lahore. (It is to be noted that D.Q. (Rail) had only just taken over the appointment and did not realize that Sialkot was not controlled by the Lahore Division).

(ii) Railway Control, Lahore, was unable to get through to Sialkot to pass on the message owing to trouble with their ordinary telephone.

The Court considers that D.Q. (Rail) M.E.O. Pak. should have informed Sialkot Sub-Area direct and the Railway Control Lahore should have informed D.Q. (Rail) M.E.O. Pak. when they were unable to pass his message to Sialkot.

The Court further considers that D.Q. (Rail) cannot be blamed for negligence as he was new to his job and had acted in good faith.

The court also considers that in view of

(a) the orders received by the Station Master, Sialkot

(b) the fact that many previous evacuee trains had passed through Jassar without undue molestation and

(c) the fact that the Indian Dominion was sending Muslim refugees by that route,

the Sialkot Sub-Area was not at fault in not querying the routing of the train.

The Movement of the Train

Information regarding the arrival of this particular rake was first recieved in Sialkot by the Station Master at 15.10 hrs on the 22nd October. The rake actually came in at about 22.00 hrs. Loading commenced at about 5.15 hrs. on the 23rd. The train left Sialkot at 0.00 hrs. and reached Jassar about 1.30 hrs.

The court considered that

(a) the decision not to load the train during the night of 22/23 Oct. was sound,

(b) the despatch of the train early next morning was perfectly reasonable,

(c) no undue delay occurred in moving the train to Jassar, except that its speed between Narowal to Jassar may have been less than normal and

(d) adequate escort were provided of mixed troops up to Jassar.

Action at Jassar

The evacuees and their kits were unloaded just beyond Jassar Station on the right of the railway. This took about an hour. During this time, adequate protection was afforded by the 16 P.R.O. train escort and by a platoon from 512 Garrison Coy. under Major Khan and a small detachment of about 2 and 6 from 15 P.R.C. under Major Shah.

The Court considers that

(a) Some groups of armed villagers had undoubtedly followed the train from Narowal towards Jassar and must have been in the vicinity. They do not consider that there were any armed Mussalmans under the railway bridge as stated by the 9th witness.

(b) The Court noted that the 9th witness could not have been under the bridge. He was standing on the ground due to an intervening bank. The court also accepted the fact that had they attackers been there, they would have been seen by Major Shah and Major Dunn.

(c) Major Shah and Major Khan were unaware at this time that these groups of men were in the vicinity as they had gone ahead by truck and would not have seen those who followed the train.

(d) Major Shah and Major Khan were in no way in collusion with the villagers;

(i) Major Khan had only arrived that morning.

(ii) Major Shah would not have called in Major Khan's platoon, if he had been in collusion with the villagers.

(e) Major Khan was justified in not accepting the full command of the escort and Major Shah must be considered the Escort Commander.

(f) Although the evacuees had been warned not to take more kit than they could carry, most of them had, in fact, taken more and the surplus had to be discarded at Jassar.

Action after the Main Attack

The leading portion of the convoy had run forward during the attack and was escorted to the Ravi Bridge. The rear portion was brought up by Major Khan and Major Shah. No further attack was made on the convoy during this period.

The Court considers that during this period one or two of the escorting troops did remove valuables from the refugees

The Court notes that a detachment of 1 N.C.O., and 3 men were sent to collect any wounded or any children and that the personnel of 15 P.R.C. returned along the evacuees route. It is considered, however, that more action might have been taken that night to collect wounded or stragglers from the crops in the fields.

Casualties etc. and Evacuees

(a) The number of men, women, and children who left Sialkot was 3,569

(b) The numbers counted by the 18th witness as having reached India were :

23-25 October	3405
29 October	23
31 October	23
Total	3451

(c) The number still known to be on the Pakistan side at Narowal hospital :

Dead	7
Living	23
Total	30

(d) The number of dead evacuees reported by the police was 35

(e) Therefore the total is made as follows :—

(i) Living	3474
(ii) Known dead	42
(iii) Unaccounted for	53
Total	3569

(f) Of those living, the following have suffered major or minor injuries :

(i) In India	460
(ii) In Narowal	19
Total	479

(g) Of the injured, mentioned in para (f) above, the following had been hit by 303 bullets :

(i) In India	5
(ii) In Narowal	3
Total	8

(h) Of the dead mentioned in para (e) (ii) above the number killed by bullets was four.

Four others had no injuries but had died from natural causes.

Action by Civil Authorities

No action appears to have been taken by the civil or by police authorities. The Deputy Commissioner had been warned that the convoy was due to move on the 22nd and 23rd October. This was subsequently cancelled and information was given for the 24th and 25th October. No information was, however, given to the Deputy Commissioner on the evening of the 22nd October when the firm time of departure was known.

Though there may have been instances of a few of the troops not having done their duty by firing unaimed shots, the Court is satisfied that the conduct of the troops was generally satisfactory.

The Court wishes to record that they are unanimous in the above findings.

President Sd. J.R. Cornor Col.
Member Sd. Teja Singh Capt.
Member Sd. Subah Sadiq Capt.

File No. C.F. 315-ER-47, Partition Branch Records East Punjab Government

CHAPTER X

AFTER-EFFECTS

Refugee Concentration and Resettlement

The cross-migration of the population created a number of problems for the newly born States of East Punjab and West Punjab. The refugees were concentrated in a very large number on both sides of the border. The refugees in the West Punjab were mostly concentrated in fourteen refugee camps located between Kasur and Attock, their main camps being at Lahore, Lyallpur and Montgomery.[1] By January, 1948, the number of the refugee camps rose to seventy-five.[2] A Directorate of Movement and Quartering was organized and it worked for six months in order to disperse the refugee concentrations.[3] In the East Punjab, it had been planned to have one big camp with a capacity of five lakhs at Kurukshetra and a second line of camps at Amritsar, Gurdaspur, Jullundur, Ludhiana and Ambala. The transit camps in the border districts served as feeders to the second-line camps and the central Kurukshetra Camp.[4] Both the Central Governments of India and Pakistan and the Provincial Governments of the East Punjab and the West Punjab had to open Rehabilitation Departments for the reception, care and rehabilitation of refugees.

The Sikhs and the Hindus had left in West Punjab extensive areas of agricultural land which they had owned or tilled as tenants. All of that agricultural land was not available for the rehabilitation of refugees as many of the evacuee land-lords had rented their land to Muslim tenants. The West Punjab Government adopted two expedients to settle the Muslim displaced persons—the 75 per cent of whom were agriculturists.[5]

(*i*) On the lands which were abandoned, agricultural refugees were settled. Each refugee family (estimated

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1. *Economy of Pakistan*, Ministry of Economic Affairs, Government of Pakistan, (1950), p. 390.
2. J. Russel Andrus and Aziz F. Mohammad, *Economy of Pakistan*, p. 468
3. *Economy of Pakistan*, Pakistan Government, p. 288
4. *Millions Live Again*, p. 7.
5. 1947-57, *Ten Years of Pakistan*, Pakistan Government, p. 240.

at five members) was allotted 5 to 8 acres of irrigated land or 12½ acres of unirrigated land.[6] A formula was worked out by which the refugee owners or occupancy tenants from the East Punjab were to obtain "land of equal-produce value" and not necessarily of equal area. The maximum limit was 250 standard acres.[8]

(*ii*) The Muslim tenants on evacuee land were required to give up some part of the land cultivated by them in exchange for remission in land revenue.[8]

The land was allotted on a yearly basis to those persons who were prepared to cultivate it personally. A pair of bullocks and a plough were provided to five families settled on land up to 60 acres in area.[9]

In the East Punjab, the agriculturists belonging to a particular district of the West Punjab were directed to proceed to the specific districts in the East Punjab under the following arrangement :

Refugee Landholders of West Punjab	*Resettlement in the East Punjab*
Lahore and non-colonists from Montgomery Districts	Ferozepore District
Rawalpindi, Sheikhupura and Gujranwala Districts	Karnal District
Shahpur and Gujrat Districts	Ambala District
Multan District	Hissar District
Jhang and Muzafargarh Districts	Rohtak District
Dehra Ghazi Khan and Mianwali Districts	Gurgaon District
Sialkot District	Hoshiarpur, Amritsar and Gurdaspur Districts[10]

About 350,000 peasant and cultivator families from the West Punjab were moved straight to the Muslim evacuee villages by the East Punjab Government.[11] Those families, which had gone to the

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6. *West Pakistan Year Book*, 1958, p. 159
7. J. Russel & Andrus and Aziz F. Mohammed, *The Economy of Pakistan*, p. 470
8. Ibid p. 470
9. *Ten Years of Pakistan*, p. 239
10. *Rural Rehabilitation in Punjab Government*, p. 1
11. Ibid., p. 1, *Quasi Permanent Allotment of Land*, issued by Publicity Department Punjab Government, gives the total number of peasant families to be 500,000

West Punjab as colonists, returned to their ancestral villages.

The Sikh and the Hindu landholders suffered a heavy loss by migrating to the East Punjab. It was estimated that out of 18.8 million cultivable acres in the West Punjab, about 6.7 million acres belonged to the non-Muslims who paid 34 per cent of the total land revenue. The Muslims in the East Punjab owned 4·7 million cultivable acres out of a total of 14.2 million acres and paid only 27 per cent of the land revenue.[12] In this way, the non-Muslims had left behind about 20 lakh acres in excess of what Muslims had left in the East Punjab. The East Punjab shared forty-four per cent of the population of the united Punjab with only thirty-eight per cent of its land.[13] Besides, the East Punjab received only three million canal-irrigated acres out of a total of over fourteen million acres, that is, about twenty-one per cent[14]. In order to promote an equitable distribution, the Government adopted the following scheme of graded cuts in such a way that the small landholders were to have a minimum cut :

Area abandond	*Net allotment*
10 acres	7½ acres
30 acres	21 acres
40 acres	27 acres
50 acres	32½ acres
60 acres	37½ acres
100 acres	51½ acres
150 acres	66½ acres
200 acres	79 acres
250 acres	89 acres
500 acres	126 acres
1000 acres	176½ acres
3000 acres	281½ acres
4000 acres	326½ acres
5000 acres	376½ acres[15]

This graded cut on land holdings had a very great effect on the East Punjab economy. The disparity in area avilable as compared with the area abandoned and the quality of soil and irrigation facilities sharpened a conflict between the landlords and landless tenants. The graded cuts had pruned large holdings and even middle-class farmers who were quite contented to get *battai* in the West Punjab found that with their reduced holdings they could no

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12. Rehabilitation—*Punjab on the March 1951*, p. 6
13. Ibid
14. Grow More Food—*Punjab on the March 1951*, p. 1
15. *Rural Rehabilitation in the Punjab*, p. 3

longer afford the luxury of tenant-farming and had to adopt farming on their own, very often to their ultimate benefit.

The Hindus and Sikhs, who migrated to the East Punjab, had a greater urban element and a higher standard of living than the Muslims of the East Punjab who had a predominantly rural character.[16] The Hindu and Sikh urban population left behind 154,000 houses in the West Punjab towns, whereas the Muslims in the East Punjab left only 112,000. There were 51,000 shops and business premises abondoned in the West Punjab by the Hindus and the Sikhs, whereas the Muslims left behind 17,000 only.[17] Consequently, a large number of the Hindus and the Sikhs who had very good houses to live in the West Punjab were forced to live in poorly built ones vacated by the Muslims. In certain cases, in the West Punjab the refugees with ordinary status in the East Punjab villages occupied far more decent houses in the towns. M. Masud has rightly stated the condition in the West Punjab "The whole populace was afflicted by a rapacious greed for property abondoned by the Hindus."[18] In the East Punjab, the shortage of houses in the towns led to the development of townships and industrial areas near the principal cities. The partition of the Punjab proved a great leveller, especially in the East Punjab. Millionaires were sometimes rendered paupers. The landed aristocracy and upper middle classes received a rude shock and most of them were condemned to destitution. After losing their hoards, the erstwhile rich had to make a fresh start in the struggle for existence. Only hard-working, able and intelligents persons could find their feet, while the indolent and parasitic element suffered a good deal. Apart from the colonists and refugee farmers from the districts of Lahore, Sheikhupura, Gujranwala, a large number of the Hindus and Sikhs from Rawalpindi and Multan Divisions were shopkeepers-cum-moneylenders who despised manual work. Deprived of their easy way of making money, many of them were compelled to change their profession and drift towards the rank of workers. Those who managed to stick to their traditional occupations did well and prospered.

Disparity in Occupations

According to Winifred Holmes, "A simple exchange of peasant

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16. *Economy of Pakistan,* (Govt. Publication), op. cit., p. 392
17. Urban Rehabilitation, *The Punjab on the March, 1951,* p. 13
18. M. Masud, *Pillars of Pakistan,* Lahore, p. 5

population on an equal basis would have been moderately a straightforward matter. But here everything was uneven"[19] as there existed a wide disparity in the occupations pursued by the outgoing and inflowing people. The following table gives the various occupations followed by the Muslims of the East Punjab and the Hindus and the Sikhs of the West Punjab :

Hereditary Occupation	*Hindus and Sikhs in West Punjab*	*Muslims in East Punjab*
Agriculture	8.2 lakhs	29.60 lakhs
Traders	14.01 ,,	2.79 ,,
Weavers	00.08 ,,	3.70 ,,
Shoemakers	1.25 ,,	1.64 ,,
Carpenters	0.56 ,,	0.79 ,,
Blacksmiths	0.57 ,,	—
Potters	0.45 ,,	1.64 ,,
Dyers	0.04 ,,	0.41 ,,
Bakers and water carriers	0.57 ,,	1.84 ,,
Barbers	0.17 ,,	0.86 ,,
Sweepers	2.10 ,,	0.07 ,,
Washerman	0.05 ,,	0.52 ,,
Tailors	0.02 ,,	0.08 ,,
Total	28.07 lakhs	43.94 lakhs[20]

The exodus of Muslim skilled labour from the East Punjab substantially crippled the industries, like hosiery, metal-works and railways, in which the Muslims formed about ninety per cent of skilled or semi-skilled labour. The East Punjab, which was already backward in industrial development, suffered much on this account. Most of the factories and workshops were closed.[21] The textile industry, carpet and blanket-weaving, foundry and engineering industries, which were mostly in the hands of the Muslims, suffered a serious set-back. In the same way, conditions were no better in the West Punjab as has been graphically described in the *First Year of Pakistan*. "The disturbances forced the Muslim workers of the East Punjab industries like hosiery, handloom, weaving, carpet—and blanket-weaving, foundry and engineering to the West Punjab but stores and other essential materials were not available. There was

19. Winifred Holmes, 'Life in the Punjab', *Pakistan Quarterly*, Karachi, Vol. III, No. 4, page 10
20. *Economy of Pakistan*, Pakistan Government, p. 397
21. *Industries and Civil Supplies*, Publica Relations Department, Punjab Govt. Simla, p. 1

a great demand for goods but there were neither stores nor trained personnel of the higher grade to produce them . ., the greatest shortage was in cloth and there was the most acute unemployment among the weavers."[22] The Muslim artisans suffered considerably on account of the exodus of the non-Muslims. They were reduced to a miserable plight "because they were illiterate, ignorant and had very meagre financial resources. They were compelled to sell their technical skill for a very poor return, reducing their position to wage-earners. Before partition, the supply of raw material, finance and marketing facilities for finished products were in the hands of the non-Muslims who were their financial organizers. Their disappearance completely disorganized the artisans and craftsmen. The influx of uprooted Muslim artisans from the East Punjab made the difficult situation more difficult."[23]

Social Effects

As a result of the partition, there was a sharp decline in the morals of the people. The serious economic crisis created by the forced migrations provided a climate for immorality. The prevailing lawlessness common in the East and the West Punjabs removed all social restraints and scruples. About fifty thousand women were abducted in both the Punjabs.[24] The violent communal riots, murders and heinous crimes brought the people's moral to the lowest ebb.

The partition of the Punjab caused an upheaval in the social structure. The refugees found themselves aliens in their new surroundings. The very places, the physical and geographical environment and people among whom they were required to spend their lives and develop new relationships were unfamiliar. This created a feeling of frustration and discontentment among the refugees. In the West Punjab, this led to the evil practices of beggary, prostitution, delinquency and crime.[25]

The partition of the Punjab gave a severe blow to the common village traditions. Persons belonging to the same *baradari* were scattered over different villages and towns in the same and even

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22. *First Year of Pakistan*, Pakistan Government, pp. 131-134
23. *Economy of Pakistan*, Pakistan Government, p. 397
24. *Recovery and Restoration of Abducted persons in India*, Ministry of External Affairs Government of India, p. 6
25. Social Welfare work in Pakistan, *Pakistan Quarterlr*, Karachi, Vol. VI, No. 1, p. 13

different districts, with the result that social restraint exercised by the *baradari* was relaxed. People were invariably strangers to their neighbours, because belonging as they did to different places, they had settled at one place. There was so much antipathy among the refugee settlers in the same village that it sometimes resulted in thefts and abduction of women in the East Punjab.[26]

The partition of the Punjab and the subsequent mass migrations introduced the new element of refugees in the social set up of the East and the West Punjabs. Refugees from the West Punjab mingled with the inhabitants of the East Punjab and those from the East Punjab and the East Punjab States with the people of the West Punjab. This mingling of the population led to so many new social developments. A large number of the Sikhs and Hindus from the Rawalpindi and Multan Divisions who were engaged in trade resettled in the backward towns and villages of the East Punjab. This quickened the pulse of social life. The drab bazaars with ill-kept shops were completely changed, yielding place to well-stocked and orderly shops. The refugee shopkeepers greatly increased the circulation of goods even in the villages inhabited by the parsimonious Jats of the Rohtak side. The townsmen in the districts of the East Punjab were socially backward and their women kept *purdah*. The vivacious refugee women, particularly from the Rawalpindi Division, brightened the town life. The free and easy culture of the West Punjab had a liberalizing influence on the women of the East Punjab, who, emulating the example of their sisters from the West Punjab, began to discard the *purdah*.[27]

As a result of the migrations, the West Punjab lost its former cultural variety. "In the towns, most of the life and colour had been provided by the Hindus and in the countryside the Sikhs had contributed invaluable pioneering drive and enterprise."[28] After partition this social and cultural variety was no longer present.

Political and Administrative Effects

After partition, the West Punjab had an area of 61 980 squarer miles and it formed the biggest provincial unit of Pakistan. Its population was 15·80 million the second largest in Pakistan.[29] After

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26. M.S. Randhawa, *Out of Ashes*, New Delhi, 1954, p. 113.
27. Ibid, p. 219.
28. Hugh Tinker, *India and Pakistan*, London, 1962, p. 70.
29. *Pakistan Report*, Food and Agriculture Organization, United Nations, p. 3.

partition the East Punjab formed one of the smallest provinces of India. It had an area of 37,423 square miles and a population of 12·6 millions.[30] About one-fifth of the total population in the East Punjab comprised displaced persons in the following proportions :

Hindus	51·9%
Sikhs	39·7%
Harijans	6·9%
Christians	0·2%
Others	1·3% [31]

The partition of the Punjab solved the communal and minority problems in the West Punjab, as all the Sikhs and the Hindus migrated to the East Punjab. Similarly, it solved the Muslim and non-Muslim problem in the East Punjab, as almost all Muslims migrated to the West Punjab But the exodus of the Muslim population from the East Punjab did not solve the minority problem in the new State. The cross-migrations of population improved the position of the Sikhs as a powerful minority. In the united Punjab, the Sikhs were only thirteen per cent, whereas in the East Punjab after migration, they formed about thirty per cent of the population. In the united Punjab, the Sikh population was so scattered that they did not form a majority in any of the districts. After partition, however, the Sikhs formed a majority in the districts of Amritsar, Gurdaspur, Ferozepur, Jullundur, Hoshiarpur and Ludhiana in the East Punjab.

"This great concentration of very nationally minded and very martial people in a comparatively very small area must be a cause of anxiety to the Government of India."[32] Professor Tinker has it that "Among the military castes in India today, the most obvious political problem is posed by the Sikhs. The Sikhs lost some of their richest agricultural land by partition and have nourished a sense of grievance ever since. They would dearly like to take another crack at Pakistan and their tough bellicosity has been channelled into the army service. Their sense of grievance and isolation has led to the demand of a Punjabi-speaking Sikh State."[33]

In the field of administration, the partition of the Punjab greatly reduced the efficiency of the services. Every administrative

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30. *Statistical Punjab*, Punjab Government (India) Publication page 11
31. Ibid.
32. Sir Percival Griffth, India Revisted, *Asistic Review*, April 1948
33. Dr. Tugh Tinker, *India & Pakistan*, page 115

unit in the Punjab was bifurcated, resulting in inefficiency on both sides. The secretariats of both the new-born States of the East Punjab and the West Punjab had to be reorganized. The prevalent communal riots had created police and *goonda raj* which needed strong and firm handling, whereas the administration on both sides of the border was seriously defective. None of the West Punjab Ministers had any administrative experience and they committed blunders.[34] The *Civil & Military Gazette*, Lahore, editorially commented on the administration in the West Punjab on the 26th September, 1947. "At the moment the province is being ruled not by Khan Ifitikhar Hussain of Mamdot and his colleagues but by the police constables .....How heads of the departments find that organization has collapsed and discipline is non-existent. Magistrates and petty officials are discovering that it is impossible to implement orders which are ill-conceived and not unoften mutually contradictory."[35] The newly created province of East Punjab had a Ministry consisting of a Premier and Home Minister to begin with. The Secretariat of the new Government was still in the process of transfer to Simla. The officers who had been recently transferred were overburdened with new problems and often had no time to master their normal functions and build contacts with the people.

The partition of the Punjab and the reorganization of the Secretariats caused a number of vacancies almost in every department. In order to fill up the vacancies rapid promotions were made, causing great inefficiency, both in the East and the West Punjabs. Accompanied by on all round decline in society, corruption which is the greatest bane of corporate life, rose its ugly head in every form and permeated even the highest circles in administration.

Since the East Punjab Government had to spend huge sums on the refugee resettlement, a Resources and Retrenchment Committee was appointed in July 1948. It recommanded increased water-rates and registration fee and a reduction of expenses on contingencies, travelling allowance and salaries in order to make the State financially sound.[36] As a result of partition, Lahore the ancient capital of the Punjab was left in Pakistan and a new seat of administration had to be established in the East Punjab. As a temporary measure, the Government headquarters were located at Simla. But it was

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34. Murtza Ahmad Khan, *Akhrai-i-Islam az Hind*, 1948 (Urdu), P. 180
35. *C. & M. Gazette* September, 26, 1947
36. *Statistical Abstract* Punjab, Punjab Govt. page 263

subsequently found that it could never be a permanent capital on account of transport difficulties and expensive living conditions there. It was, therefore, decided that a new capital should be raised at the present site of Chandigarh which enjoyed the advantage of being situated in a safe zone, and was very central, being about 150 miles from Delhi, Hissar, Ferozepore, Amritsar and Gurdaspur, It is said that the plan for a new Capital when implemented, would result in a "new town symbolic of the freedom of India unfettered by the tradition of the past."[37] In the beginning, the advisability of constructing a new capital at such a very high cost was doubtful, keeping in view the shattered economy of the East Punjab. But as time passed, people were reconciled to the plan for a new capital which provided great opportunities for planning and rebuilding life on a new pattern.

Indo-Pakistan Water Dispute

One of the legacies of the partition of the Punjab was the Indo-Pakistan water dispute. The partition adversely affected the canal irrigation system, developed during the British rule. It irrigated about 26 million acres—the largest irrigated area —the U.S.A. had only 23 million irrigated acres. More than 26 million people—equal the entire population of Italy—depended on the waters of the Indus and its tributaries, flow of which has been described as the "life blood" of the inhabitants. Some of the canals in the Indus basin carried more water than the River Thames in flood.[38]

The disruption of the irrigation system caused by the partition of the Punjab had two aspects :

(a) that which related to the canal headworks, and
(b) that which related to the canal water.

(a) The Canal Headworks Dispute

As previously discussed, the boundary line in the Punjab was based on the district boundary lines.[39] The Sulemanki Weir was in the of Montgomery district in the West Punjab and its embankment was in the Ferozepur District in the East Punjab. Since the Sulemanki Weir controlled the Pakpattan canal, irrigating the Montgomery and Multan Districts, and the Fordwah and Sadiqia canals irrigating the Bahawalpur State—all flowing in Pakistan—the Chairman of the Boundary Commission had stated in his award, "It is my intention

37. Ibid., page 190
38. *The Indus Water Dispute*, Government of India, pp. 2, 6
39. Vide Chapter VI, *The Award*

that this boundary line should ensure that the headworks at Sulemanki will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of territory concerned as covers the headworks, and the boundary shall be adjusted accordingly."[40]

As to how much territory was to cover the Sulemanki headworks and whether the protective embankment was a part of the headworks were the issues in dispute between the representatives of India and Pakistan. The West Punjab Government claimed 25 square miles in the Ferozepur District to cover the area of the Sulemanki headworks, whereas the representative of the East Punjab argued that the headworks was not to include the embankment which was in the East Punjab.[41]

There was also a dispute regarding the Ferozepur Weir which controlled three canals. The Eastern and the Ganga Canals, irrigated the Ferozepur District and the Bikaner State in the East Punjab, and the Depalpur Canal irrigated the Lahore and Montgomery Districts in the West Punjab. Regarding the Ferozepur headworks, commonly known as the Hussainiwala headworks, the Chairman of the Boundary Commission had stated, "But I must call attention to the fact that the Depalpur Canal which serves areas in the West Punjab takes off from the Ferozepur headworks, and I find that it is difficult to envisage a satisfactory demarcation of the boundary at this point that is not accompanied by some arrangement for joint control of the intake of different canals dependent on these headworks".[42] The West Punjab considered that the Award had recommended a joint control, of the Ferozepur headworks and, in order to have this joint control the West Punjab had occupied 9.3 square miles of land or about 6000 acres in the Ferozepur District. The East Punjab Government maintained that the Award only meant some sort of agreement between the two governments for the supply of water to the Depalpur Canal and not the joint control of the headworks itself.

Both the governments continued to stick to their respective points of view. The dispute lingered on for over a decade, and ultimately both issues were decided in the first week of January 1960.

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40. Para 5, *Radcliffe Award, Annexure A*, see pages 93-94
41. Press communique issued by Indian Government Press Information, Jullundur, January 1960
42. Para 10, *Radcliffe Award*, see page, 91

In the case of the Sulemanki Weir, the Indian Government surrendered about nine square miles of land comprising about 7000 acres along with the left marginal *bund* to Pakistan in order to give her effective control of the headworks. In the case of the Ferozepur Weir, Pakistan surrendered about 9.3 square miles of land to India. Thus the dispute regarding the canal headworks ended amicably after about thirteen years.[43]

(*b*) *The Canal Water Dispute*

The boundary line between the East Punjab and the West Punjab cut across a net work of canals. The Upper Bari Doab Canal irrigated the districts of Lahore and Montgomery in the West Punjab and had its headworks at Madhopur in the East Punjab. Similarly, the Depalpur Canal which irrigated areas in the West Punjab was controlled by the Ferozepur Weir in the East Punjab. This disruption of the irrigation system had far-reaching consequences. A dispute arose regarding the supply of water by the East Punjab to the Upper Bari Doab and Depalpur canals. The East Punjab Government contended that under the Punjab Partition (Apportionment of Assets and Liabilities) Order 1947, the proprietary rights of the waters of the rivers in the East Punjab vested wholly in the East Punjab and that the West Punjab Government could not claim any share of these waters as of right. The West Punjab Government argued that in accordance with international law and equity, it had a right to the waters of the East Punjab rivers as they flowed in the West Punjab also.[44]

An interim agreement for the supply of water to the canals irrigating the West Punjab from the headworks in India was signed by the Chief Engineers of the East Punjab and the West Punjab in December, 1947. By this agreement, the supply of water was to be continued upto the 31 March, 1948.[45] Since this agreement had not been renewed, the supply of water was discontinued from the Ist April, 1948. It was revived after about three weeks, following an agreement between the Chief Engineers of the East Punjab and the West Punjab, by which the West Punjab Government agreed to deposit immediately such sum *ad hoc* sum as may be specified by the

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43. Press Communique, Indian Government Press Information Bureau, Jullundur, January, 1960
44. *Indus Water Dispute*, Government of India Publications, p. 6
45. Inter-Dominion Agreement of the 4th May 1948 on the Canal Water Dispute. *The Indus Water Dispute*, op. cit., p. 19

Prime Minister of India."[46] By this agreement, Pakistan admitted India's superior claim to the rivers flowing through the East Punjab. In the conference in 1948, India argued that it was the policy of the united Punjab to develop irrigation in the western part where there was a large area of crown-wasteland of capable of yielding a quick financial return and this postponed the development in the eastern part where no major project was constructed after the opening of the Sirhind Canal in 1882. After partition the East Punjab had only a small proportion of revenue derived from irrigation, a small share of water supplies of the rivers and a fraction of the canal-irrigated area of the united Punjab. According to F.J. Fowler, these arguments could not be assailed.[47]

In July 1950, Pakistan refused to make payment to India on the plea that the West Punjab had equal claims on the rivers flowing in the East and West Punjabs. It was argued that water supplied to the Upper Bari Doab was from the River Ravi which also flowed in Pakistan. The case with the Sutlej, which supplied water to the Depalpur Canal, was similar. This gave rise to a complicated problem relating to the ownership of the waters of the rivers of the Punjab for irrigation. Both sides continued to stress their points of view without coming to any agreement. Later on, contrary to the Indian Government's wishes, this matter was referred to the International Court of Justice at the Hague. David E.Lilienthal, the distinguished former head of the Tennessee Valley Authority and of the Atomic Energy Commission in the United States of America suggested in August 1951 "that this unnecessary controversy can be solved by commonsense and engineering to the benefit of the people who live by the waters of the Indus River... This is not a religious or political problem, but a feasible engineering and business problem for which there is plenty of precedent and relevant experience."[48] In 1952, Mr Eugene R. Black, Chairman of the World Bank, suggested that engineers of the two countries along with technical representatives of the Bank should visit the irrigation works and sites in India and Pakistan. After a six-week tour and as "an impartial observer free to express his views on any aspect of the

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46. Para No. 5 of the Inter-Dominion Agreement of 4th, May, 1948. *Iudus Water Dispute*, p. 19
47. Some Problems of Water Distribution Between East and West Punjab, F.J. Fowler, *Geographical Review*, London 1954, p. 58
48. J.S. Bains, *India's International Disputes*, Bombay, p. 43

matter," he submitted a compromise plan on February 5, 1955. The main points of this plan were :

1. The entire flow of the three western rivers of the Indus system (the Indus, Jhelum, Chenab) would be available for the exclusive use of the West Punjab (Pakistan), except for a small volume of water for Kashmir.
2. The entire flow of the three eastern rivers (the Ravi, Beas and Sutlej) would be available for the exclusive use of the East Punjab (India), with an exception that for a specified transitional period India would supply to Pakistan "her historic with-drawals from these rivers". This estimated period would be worked out on the basis of the time required to complete the "link canals" needed in Pakistan to replace these supplies.
3. Each country would construct and pay for the works located in its territory, but India would also bear the cost of link canals in Pakistan needed to replace the supplies from India to the extent of the benefit derived by her therefrom. This was expected to amount to between Rs. 40/- crores and Rs. 60 crores.[49]

A mission from the World Bank visited India and Pakistan in March and April 1955 and toured the areas concerned in both countries together with Indian and Pakistani engineers and officials. Mr Eugene Black again visited India and Pakistan in May 1959 and secured agreement of both the Governments to work on his plan to a successful completion of link canals. According to Mr Black, the entire project of link canals would cost 1000 million dollars and was to be completed within ten years. The Governments of the U.K., the U.S.A., Australia, Canada agreed in principle to contribute to the Indus Valley Fund which was to undertake the construction of the link canals in Pakistan.[50] The Governments of India and Pakistan finally agreed to sign the Indus Water Treaty, the draft of which had been prepared by the World Bank in consultation with their representatives on the above mentioned lines. The Prime Minister of India and the President of Pakistan signed the Indus Water Treaty

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49. *Background to the News*, Research and Reference Division Ministry of Information and Broadcasting, Vol. No. 7, dated June 15, 1957, pages 43-46. Subsequently these were included in the Article No. II and III, the Indus Waters Treaty of 1960.
50. *The Tribune*, Ambala dated June 19, 1959

in Rawalpindi on September 18, 1960.[51] In this way a dispute more than a decade old ended amicably.

In the preamble of the Indus Waters Treaty it was stated, "The Government of India and the Government of Pakistan, being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers and recognising the need, therefore, of fixing and delimiting, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of waters and of making provision for the settlement, in a cooperative spirit, of all such questions as may hereafter arise...have resolved to conclude a treaty in furtherance of these objectives."[52]

Indeed, the Indus Waters Treaty[53] was indicative of the spirit of accommodation and co-operation. By this Treaty, India agreed to continue the *status quo* for the supply of water to Pakistan for ten years and also agreed to extend financial assistance for the construction of her link canals. By this Treaty, India obtained 20 per cent of the total flow of the Indus waters, whereas Pakistan received 80 per cent, because the westerly rivers had much more volume of water than the easterly ones.[54] Pakistan secured the financial assistance not only from India but also from other countries, like the U.S.A., the U K., Australia and Canada.

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51. Ibid, September 20, 1960
52. *The Indus Waters Treaty 1960*, p. 1
53. The Indus Waters Treaty consisted of twelve articles and eight annexures dealing with different data relating to the waters of the rivers and their use for agricultural purposes, both in India and Pakistan.
54. *The Indus Water Dispute*, p. 15. The annual flow of the three eastern rivers (the Ravi, the Beas and the Sutlej) is about one fourth of that of the three western rivers (the Indus, the Jhelum and the Chenab).

Appendix

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do	Volume II
do	Volume III
do	Volume IV
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do	Volume VI
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